

2018 *Annual Report*
of the U.S. Virgin Islands Judiciary & Court System





SUPREME COURT OF THE U.S. VIRGIN ISLANDS

ALEXANDER S. FARRELL
JUSTICE CENTER

THE RAYMOND L. FINCH SUPREME COURT BUILDING





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The Judiciary



SUPREME COURT OF THE VIRGIN ISLANDS

Hon. Rhys S. Hodge

Chief Justice

Hon. Maria M. Cabret
Associate Justice

Hon. Ive Arlington Swan
Associate Justice

Veronica J. Handy, Esquire
Clerk of the Court



SUPERIOR COURT OF THE VIRGIN ISLANDS

Hon. Michael C. Dunston

Presiding Judge

Hon. Harold W. L. Willocks

Administrative Judge

Hon. Debra S. Watlington
Judge

Hon. Douglas Brady
Judge

Hon. Kathleen Y. Mackay
Judge

Hon. Denise Hinds-Roach
Judge

Hon. Denise M. Francois
Judge

Hon. Robert A. Molloy
Judge

Hon. Renee Gumbs Carty
Judge

Hon. Jomo Meade
Judge

MAGISTRATE DIVISION

Hon. Henry V. Carr, III
Magistrate Judge

Hon. Jessica Gallivan
Magistrate Judge

Hon. Carolyn P. Hermon-Percell
Magistrate Judge

Hon. Miguel A. Camacho
Magistrate Judge

Estrella H. George
Clerk of the Court



Regina Petersen
Administrator of Courts



On behalf of the entire Virgin Islands Judiciary, it is my privilege to present the 2018 Annual Report on the State of the Virgin Islands Judiciary. This report, which is prepared by the Administrator of Courts and the Judicial Branch Administrative Office, provides statistical information and highlights the various accomplishments and activities of the courts of the Virgin Islands during the past fiscal year.

Typically, a report on the state of the judiciary begins by using one word to summarize the state of the court system. But I do not believe one word is enough to truly convey the state of the Virgin Islands Judiciary this year. Rather, a full phrase is appropriate: the Virgin Islands court system is “United in Pride and Hope.” Most of you reading this are already aware that “United in Pride and Hope” is the official motto of the U.S. Virgin Islands. The Virgin Islander who created the motto, Mitch Davis, described it as representing the harmony of our Territory’s multicultural residents, as well as instilling a sense of pride and dignity in the U.S. Virgin Islands and its people.

When the Superior Court of the Virgin Islands and the Supreme Court of the Virgin Islands were administratively re-unified in 2016, this motto was incorporated into the new seal of the Judicial Branch of the Virgin Islands. The seal incorporates

other familiar imagery, including the scales of justice, an ageless symbol of fairness in the judicial process underscoring that cases shall be decided based on the strength of the evidence alone without bias or prejudice. Thus, the seal symbolizes not just the administrative unification of the Superior Court and the Supreme Court, but the ideals that all judicial officers and court employees strive to uphold and maintain in their unique and vital roles in our system of justice.

The process of bringing the Superior Court and the Supreme Court together as one administratively unified entity was never going to be an easy or quick process. Rather than unify by fiat or rush the process, the Virgin Islands Judiciary implemented the unification statute through a deliberative and collaborative process, in which all stakeholders would have a voice and a seat at the table. This was done with the goal of merging the best practices of the Superior Court with the best practices of the Supreme Court to create an organization greater than the sum of the two prior administrations.

I will not restate all the steps the Judiciary undertook as part of the unification process, since those activities have been comprehensively summarized in prior reports. However, I can say, with confidence, that the process of administrative unification has been successful, with an emphasis on process. Every court office and division subject to the unification statute continues to work towards standardizing procedures across districts, with leadership being drawn from both the former Superior Court and former Supreme Court administrations.

To date, many of the benefits of unification have been internal. However, in the coming months the public and members of the Bar will see visible and concrete changes. In the fourth quarter of Fiscal Year 2019, the Supreme Court and the Superior Court will transition to a single Judicial Branch web portal. The new portal will serve as a “one-stop shop” for the public and the Bar for all Judicial Branch services and information and provide enhanced functionality to make the website significantly easier to navigate and make information easier to obtain. I would like to take this opportunity to thank the members of our project team, and especially Elsie-Mae King, who chaired and has been instrumental to the website project’s success.

The Supreme Court and the Superior Court will also soon share more than just a website. As previously reported, the Judiciary selected Thomson Reuters as the vendor to develop the long-awaited Superior Court case management and

State of the Judiciary

State of the Judiciary



e-filing system. Despite setbacks in the aftermath of Hurricanes Irma and Maria, the project has remained on track, and is in an advanced stage of completion. Although Thomson Reuters is also the developer of the Supreme Court's case management and e-filing system, the Superior Court case management and e-filing system will not simply be an adoption of the existing Supreme Court system. Rather, through an enterprise application approach, both the Superior Court and the Supreme Court will receive the most state-of-the-art case management and e-filing in a system that incorporates all the updates Thomson Reuters has made to the underlying application in the 10 years since it was first adopted by the Supreme Court. Our project team continues to work diligently towards a goal of a Superior Court "go-live" date by the conclusion of the first quarter of Fiscal Year 2020.

Clearly, the judicial officers and employees of the Virgin Islands Judiciary, as well as the people of the Virgin Islands, have reason to be proud of our Judicial Branch, for much has been accomplished in such a short period of time. But I began by emphasizing that the state of the Virgin Islands Judiciary is "United in Pride and Hope." Hope is a simple word with a complex meaning. Hope is the power to believe that anything is possible, and that things can get better if we believe they can get better and work cohesively towards that goal. In other words, to have hope is to recognize that a situation is not perfect and may and should continually be improved upon.

The Virgin Islands Judiciary is not perfect. All are aware of the existence of case backlogs. However, case backlogs predate the appointments of all the currently active Superior Court judges and at times may seem insurmountable. Certainly, there are limits to what the Judiciary may do unilaterally given funding constraints and the need to comply with substantive law. Nevertheless, our judicial officers and employees have hope that we can improve disposition times

and eventually eliminate all backlogs. However, we can only accomplish this through self-examination of our processes, rule changes and reform, and recommendations for legislative action in a manner that brings about meaningful change that is measurable and attainable in a reasonable timeframe.

Soon, the Virgin Islands Judiciary will develop its first five-year strategic plan as an administratively unified branch. Through the strategic planning process, the Judiciary will undergo the self-examination necessary to identify our shared goals, determine realistic objectives to further those goals, and establishing a roadmap for both courts to become models of judicial excellence. In doing so, our strategic plan will consider issues that have largely gone unaddressed in prior strategic plans, such as access to justice and civil, criminal, and juvenile justice reform.

Some of the seeds of progress have already been planted. Late last year, the Supreme Court exercised its rule-making authority to create a new, simplified procedure for disposition of Magistrate Division appeals, designed to reform the portions of the process that resulted in delay. The Supreme Court also approved the Presiding Judge's initiative for the establishment of a Complex Litigation Division of the Superior Court, with Judge Robert Molloy permanently assigned to it. Although these rule amendments went into effect after the conclusion of the 2018 Fiscal Year—and thus are not reflected in the case statistics in this report—we have already observed substantial improvements in these areas. Moreover, on March 31, 2019, new Virgin Islands Rules of Probate and Fiduciary Procedure went into effect, and while it is too early to assess the effect of those rule changes, I am optimistic that their adoption will eliminate the inefficiencies in the probate process that are within the control of the Judiciary. On behalf of the Judiciary, I thank the Chair of the Advisory Committee on Rules—Judge

Robert Molloy—as well as all of its members, and in particular Attorney Aliya Charlery as Chair of the Probate Rules Subcommittee, Attorney Lee J. Rohn as Chair of the Family Rules Subcommittee, and Attorney Steven K. Hardy as Chair of the Traffic Rules Subcommittee, for the substantial work they have devoted to the Advisory Committee over the last year.

Over the next year, the Virgin Islands Judiciary will consider other important and much-needed reforms to address the case backlog. This year, the Supreme Court, with input from the Judicial Management Advisory Council, will establish time standards to govern the disposition of cases before the Superior Court as well as appeals and other proceedings in the Supreme Court. Although both courts had separately enacted time standards prior to administrative unification, those standards were purely aspirational, and provided no mechanism for enforcement if they were not met. While the new time standards will remain non-binding in that they will not create substantive rights for litigants, the Judiciary will implement procedures to ensure that cases do not languish. As in the federal system, the Judicial Branch Administrative Office will create detailed quarterly reports, to be submitted to the Chief Justice, the Presiding Judge, and the Administrative Judge, that set forth the compliance of each judicial officer with the time standards, and highlight the specific matters that have languished for an excessive period of time or which have appeared on multiple reports. The rule will provide for the Chief Justice, the Presiding Judge, or the Administrative Judge—as the case may be—to discuss those matters with the judicial officer and develop a plan of action to resolve the matters in a timely manner. If that plan is not followed, the Chief Justice or the Presiding Judge may take other appropriate action, such as re-assigning the matter to a different judicial officer or issuing a referral to the Virgin Islands Commission on Judicial Conduct.

In addition to time standards, the Judiciary will consider whether other changes to court procedures may be appropriate. As previously mentioned, the establishment of the Complex Litigation Division of the Superior Court has been a significant success, with cases that had languished for years—sometimes even decades—finally achieving resolution. Much of that success can be attributed to the decision to assign a single judge to sit in the Complex Litigation Division, who can devote the needed resources and attention to those cases without the distraction of other cases. This approach is not original to the Virgin Islands but is borrowed from similar procedures adopted in other court systems. As the Complex Litigation Division completes its first

full year of operations, the Judicial Management Advisory Council will consider whether such specialization may be appropriate in other areas, such as assigning one or more judges exclusively to the Criminal Division.

While the Judiciary hopes to improve time to disposition rates for all case types, the Judiciary is particularly sensitive to the effects of prolonged delays in criminal cases. Regrettably, some delays in taking a criminal case to trial are not within the control of the Judiciary, such as when forensic evidence is sent for analysis outside of the Virgin Islands and the results are not received in a timely manner. Nevertheless, the Judiciary will soon begin a comprehensive review of how it handles criminal cases, with a goal of reducing the time-to-disposition. As the first step of that process, the Judicial Branch Administrative Office and the Office of Clerk of the Superior Court have committed to a case management project to examine the oldest pending criminal cases and document case life cycles to empirically diagnose delay in our criminal caseload problem points can be addressed at their core.

Although any delay in concluding a criminal proceeding is concerning, such delays are particularly harmful when the defendant is incarcerated prior to trial due to an inability to post bail. Pretrial release is not an easy issue to address, since it requires us to balance two distinct yet equally important concerns: allowing defendants who are constitutionally presumed innocent to avoid incarceration prior to trial, and protecting crime victims, witnesses, and the public from potentially dangerous individuals. Throughout the country, jurisdictions are actively examining criminal pretrial procedures to address these issues, with some reducing or even outright eliminating reliance on cash bail in favor of non-monetary conditions of release.

The Virgin Islands will soon join these other court systems in critically examining how criminal cases are handled during all stages of the process, and particularly pretrial practice. By administrative order, I am establishing a Criminal Pretrial Task Force. The Task Force will operate as a subcommittee of the Virgin Islands Commission on Access to Justice, and will consist of representatives from the Judiciary, the Bar, the Executive and Legislative Branches, the Office of the Territorial Public Defender, and other stakeholders. Its mandate will be to examine all court rules, statutes, and standard operating procedures relating to criminal pretrial practices and, as needed, recommend revisions or other reforms. The Task

Force will further identify and define benchmarks and other metrics to measure the effectiveness of the criminal pretrial system, which will be used to measure the effectiveness of our current practices and any implemented reforms. It is my hope that the recommendations of the Task Force, once implemented, will further the goal set forth in Rule 1 of the Virgin Islands Rules of Criminal Procedure to “provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.”

Of course, there are limits to what the Virgin Islands Judiciary can do on its own. The Judiciary is but one branch of the government and was described by Alexander Hamilton as the “least dangerous branch” for a reason: it lacks the power of the purse and lacks the authority to enact or change substantive law. Over the coming year, the Judiciary hopes to work with the Legislature to examine and improve the substantive laws of the Virgin Islands as they relate to the administration of justice, particularly in the area of probate law, where antiquated statutes contribute to substantial delays in case processing. In addition, the Judiciary will continue to request funding that is sufficient to provide the high level of service that the people of the Virgin Islands expect from their courts.

Finally, I close by acknowledging that the Virgin Islands Judiciary achieved a significant milestone last year when the United States Court of Appeals for the Third Circuit, sitting en banc, issued its decision in *Voqys v. Bentley*, 901 F.3d 172 (3d Cir. 2018). In *Voqys*, the en banc Third Circuit overturned the prior decision in *Gov’t of the V.I. v. UIW-SIU (Bason)*, 767 F.3d 193 (3d Cir. 2014), and held that Public Law 112-226 means what it says: that effective December 28, 2012, decisions of the Supreme Court of the Virgin Islands are reviewable only by the Supreme Court of the United States by writ of certiorari. The Supreme Court of the United States denied certiorari of the *Voqys* decision on April 22, 2019, thus bringing to a close the litigation and uncertainty over the construction of Public Law 112-226. On behalf of the Virgin Islands Judiciary, I would like to take this opportunity to recognize and thank all those who advocated for the institutional integrity and independence of the Supreme Court of the Virgin Islands, and in particular the Virgin Islands Bar Association, which has consistently filed amicus curiae briefs advocating for overturning *Bason* in every post-*Bason* case that came before the Third Circuit, including *Voqys*.

As is illustrated in the pages of this Annual Report, the Virgin Islands Judiciary has accomplished much

during Fiscal Year 2018, but there remains a lot more work to be done. I look forward to continuing to work with my colleagues on the Supreme Court, as well as all the judicial officers and staff of the Virgin Islands Judiciary, towards our common goal of serving the people of the Virgin Islands.

Sincerely,



Rhys S. Hodge
Chief Justice





History of the Judiciary

History of the Judiciary

The Virgin Islands judiciary evolved from three (3) Police Courts which existed pursuant to the 1921 Codes of St. Thomas, St. John and St. Croix. On July 22, 1954, the United States Congress approved The Revised Organic Act of the Virgin Islands, and section 21 vested the judicial power in a Court of record to be designated the "District Court of the Virgin Islands." Thereafter, the three (3) Police Courts were abolished and two (2) municipal Courts were established: the Municipal Court of St. Thomas and St. John, and the Municipal Court of St. Croix.

After a decade of this judicial structure, the composition of the local judiciary changed again in 1965. Legislative enactments which became effective on March 1, 1965, consolidated the two (2) municipal Courts into a unified Court designated as the Municipal Court of the Virgin Islands. By further enactments of the Virgin Islands Legislature, on September 9, 1976, pursuant to Act No. 3876, Section 5, Sess. L. 1976, p. 17, the Municipal Court of the Virgin Islands' name was changed to the Territorial Court of the Virgin Islands, the antecedent to the current Superior Court of the Virgin Islands. Almost three (3) decades later, authorized by the 1984 amendments to the Revised Organic Act of 1954, and pursuant to enactments in Title 4 V.I. Code Ann. Section 76(a), effective October 1, 1991, the Territorial Court obtained original jurisdiction over all local civil actions. Effective January 1, 1994, pursuant to Act No. 5890, the Virgin Islands Legislature granted expanded jurisdiction in criminal matters to the Territorial Court.

In 1984, the United State Congress amended the Revised Organic Act of 1954 to permit the Virgin Islands Legislature to create a local appellate court whose justices could be nominated by the Governor of the Virgin Islands subject to confirmation by the Virgin Islands Legislature. However, since the

Legislature did not immediately create the local appellate court authorized by the 1984 amendments to the Revised Organic Act, two federal courts—the District Court of the Virgin Islands, and the United States Court of Appeals for the Third Circuit—continued to review all judgments issued by the then-Territorial Court. On September 30, 2004, Bill 25-0213, which was sponsored by then senator Carlton "Ital" Dowe to establish the Supreme Court of the Virgin Islands, was adopted by a unanimous vote of the member of the 26th Legislature, and signed into law by then Governor, Charles W. Turnbull on October 29, 2004. This pivotal Legislation also changed the name of the Territorial Court of the Virgin Islands to the Superior Court of the Virgin Islands. Act No. 6687 also rechristened the Territorial Court as the Superior Court of the Virgin Islands. On October 27, 2006, the first three Justices of the Supreme Court—Chief Justice Rhys S. Hodge, and Associate Justices Maria M. Cabret and Ive Arlington Swan—were confirmed by the Legislature and sworn into office on December 18, 2006. On January 29, 2007, the Supreme Court officially accepted appellate and other jurisdictions, thereby divesting the federal District Court of its historic role of overseeing the Superior Court.

Governor Turnbull appointed the first three justices to preside over the Supreme Court of the Virgin Islands—Rhys S. Hodge, Maria M. Cabret, and Ive Arlington Swan. All three justices were unanimously confirmed by the Virgin Islands Legislature on October 27, 2006, and sworn into office on December 18, 2006. On January 29, 2007, the Supreme Court assumed appellate jurisdiction. Prior to this date, all appeals were heard by the Appellate Division of the United States District Court and the United States Court of Appeals for the Third Circuit. The 1984 amendments to the Revised Organic Act

by Congress also provided that the Third Circuit review decisions of the local appellate court for the first (15) fifteen years of its existence and directed that a comprehensive evaluation of the Court's operations be conducted every five (5) years. The Third Circuit issued its first report on June 9, 2012, which concluded that the Supreme Court had developed sufficient institutional traditions to end the fifteen (15) year oversight period. On December 28, 2012, President Barack Obama signed Public Law No. 112-226. This bill, sponsored by Delegate to Congress Donna M. Christensen, amended the Revised Organic Act to eliminate the oversight period. With the elimination of the oversight period, the Supreme Court of the Virgin Islands achieved parity with the highest courts of the several states and its decision would be subject to direct review by the Supreme Court of the United States, as do the highest courts of several States, and all doubt as to the proper interpretation of Public Law No. 112-226 was removed when the United States Court of Appeals for the Third Circuit in the case of *Vooyo v. Bentley*, 901 F.3d 172 (3d Cir. 2018). In *Vooyo*, the en banc Third Circuit overturned the prior decision in *Gov't of the V.I. v. UIW-SIU (Bason)*, 767 F.3d 193 (3d Cir. 2014) and held that pursuant to Public Law 112-226, effective December 28, 2012, decisions of the Supreme Court of the Virgin Islands are reviewable only by the Supreme Court of the United States by writ of certiorari. The Virgin Islands now joins the other States and Territories of the Union in establishing a progressive, 21st century, local court system. On August 29, 2016, the local judiciary took another leap forward when Bill No. 31-2055, Act No. 7888, was signed into law by Governor Kenneth E. Mapp, unifying the administrations of the Supreme Court of the Virgin Islands and

the Superior Court of the Virgin Islands. This Legislation, sponsored by then Senator Kenneth L. Gittens and Senator Nereida "Nellie" O'Reilly, also authorized the expansion of the appellate bench from 3 to 5 justices. The unification of our local court system is consistent with the organizational structure of a majority of the jurisdictions under the United States Flag.



The Supreme Court of the Virgin Islands is the highest local court and supreme judicial authority of the Virgin Islands. Pursuant to the authority granted in Act No. 7888, the Supreme Court of the Virgin Islands established the Judicial Management Advisory Council (JMAC) to provide guidance and advice to the Chief Justice and the Supreme Court of the Virgin Islands, the Presiding Judge and the Superior Court of the Virgin Islands, and the Administrator of Courts and the Judicial Branch Administrative Office on the operations and business of the judiciary.

- Hon. Michael C. Dunston, Presiding Judge
- Hon. Robert A. Molloy, Judge
- Hon. Carolyn Hermon Percell, Magistrate Judge

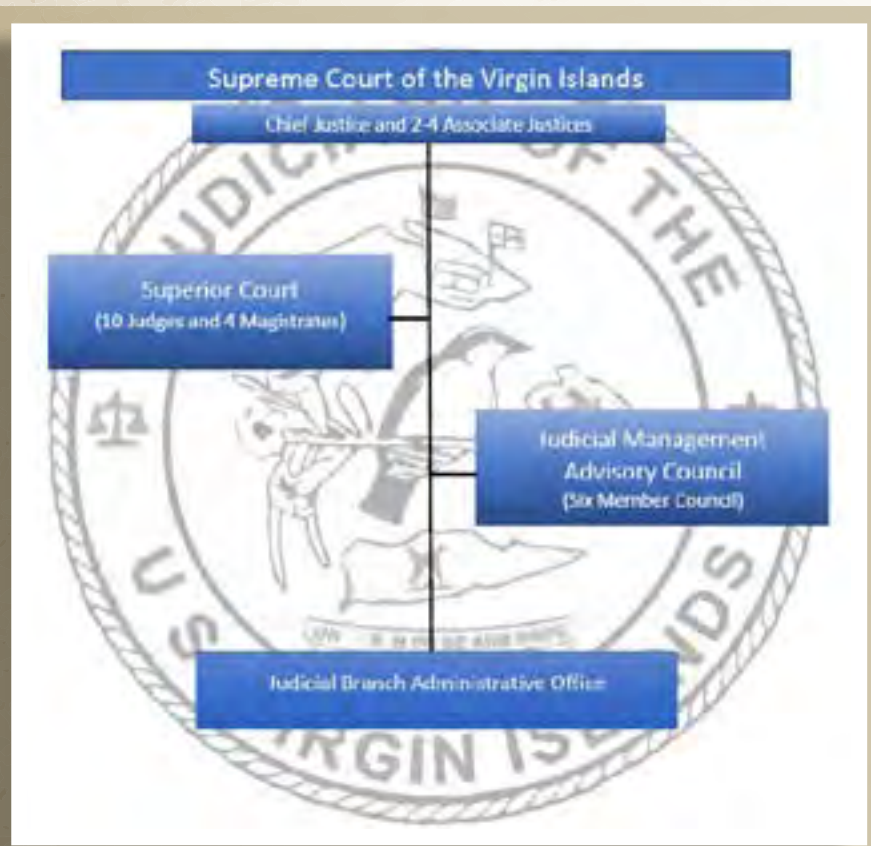
Despite the disruption in judicial branch operations cause by Hurricanes Irma and Maria, the judicial branch nonetheless, through its Advisory Committee on Rules (RAC) and the Judicial Management Advisory Council (JMAC), continued the work it began in 2016 to streamline and simplify court procedures. During the course of fiscal year 2018, the JMAC

acted on several recommendations made by the RAC to simplify and streamline court procedures consistent with national best practices and the needs of the judiciary, the VI Bar and the public to create opportunities for greater efficiency and increased access to justice. The following rule changes were adopted in fiscal year 2018:

Promulgation No. 2018-001 The Supreme Court amended Rule 202(d) to clarify that a specially-admitted attorney may extend his or her special admission for a third year if he or she applies for regular admission by motion or UBE score transfer and amended Rule 204(i) (1) to clarify when an applicant for regular admission may sit for the Virgin Islands Law Component.

Promulgation No. 2018-002 The Supreme Court adopted the report and recommendations of the Advisory Committee on Rules, to rescind previous Amendments to Rules 21, 22, 23, 24 and 25 of the Rules Governing the Superior Court of the Virgin Islands, to be superseded by Rules 92, 93, 94, 95, and 96 of the Virgin Islands Rules of Civil Procedure, to account for the establishment of a Complex Litigation Division.

In May of 2018 the Virgin Islands Judiciary sent a six-member team to the 2018 Conference of Chief Justices and Conference of State Court Administrators Southern Region Civil Justice Summit in Little Rock Arkansas, to learn about civil justice reform efforts nationwide,



JMAC is a six-member council consisting of the Chief Justice, two Associate Justices, the Presiding Judge, a judge of the Superior Court and a magistrate judge. The Chief Justice chairs the council and the Administrator of Courts serves as the council's secretary. All judicial officers are ex officio members of the council. Current voting members of the council are as follows:

- Hon. Rhys S. Hodge, Chief Justice
- Hon. Maria M. Cabret, Associate Justice
- Hon. Ive Arlington Swan, Associate Justice

Organization and Governance



CIVIL JUSTICE INITIATIVE (VI COURTS' DELEGATION/TEAM) : Left to right: Hon Robert A. Molloy, Judge, Hon. Rhys S. Hodge, Chief Justice, Joseph Gasper, Appellate Law Clerk, Hon Denise M. Francois, Judge, Hon. Michael C. Dunston, Presiding Judge, Regina Petersen, Administrator of Courts

to continue the development and implementation of civil justice reforms in the Virgin Islands. The members of that team Pictured left to right were: Hon Robert A. Molloy, Judge of the Superior Court; Hon. Rhys S. Hodge, Chief Justice of the Virgin Islands; Joseph Gasper, Senior Law Clerk; Hon. Denise M. Francois, Judge of the Superior Court; Hon. Michael C. Dunston, Presiding Judge of the Superior Court; and Regina Petersen, Administrator of Courts. At the time of the Little Rock summit, the Judiciary had already implemented new civil procedure rules, criminal procedure rules, evidence rules, small claims rules, and habeas corpus rules, and had a draft Rule for the establishment of a Complex Litigation Division under review.

Effective October 1, 2018, a territory-wide Complex Litigation Division was established within the Superior Court of the Virgin Islands, with a dedicated judge assigned, the Hon. Robert A. Molloy, as well as assigned staff support. Rules of procedure for complex litigation cases were also promulgated

within the current Virgin Islands rules of procedure for civil cases. As established, the Complex Litigation Division handles all class actions and mass tort and toxic tort cases as well as cases in which several plaintiffs have sued the same or similar defendants. The assignment of a single judge to handle all cases in that Division has already improved disposition times, in that the general jurisdiction cases (non-complex civil and criminal) have been reassigned to other judges so that the Complex Litigation Division judge can devote all of his time to these cases and provide them with the specialized attention needed to shepherd them through the judicial system. Moreover, because other judges will no longer be assigned these complex cases, it is anticipated that disposition rates for non-complex cases will increase as well.

Promulgation No. 2018-003 In July of 2018, recognizing the difficulty in recovery and resumption of practice of the local bar, and increasing need for legal aid and legal assistance in the aftermath of the storms, the Supreme Court adopted Rule 202.5 for the

Temporary Provision of Legal Services following the declaration of an emergency, to waive certain bar admissions requirements to facilitate the provision of legal services to those affected by Hurricanes Irma and Maria. This facilitated the establishment of a partnership between the Virgin Islands Bar Association, Legal Services, and the Self-Represented Litigant Network to create a disaster legal assistance hotline.

Promulgation No. 2018-004 The Supreme Court adopted the recommendation of the Virgin Islands Bar Association to amend Rule 206 to provide a definition of “good standing,” to streamline the process for obtaining a certificate of good standing and establish processes for members of the Bar to inform the court if his or her name has changed after admission and to obtain replacement certificates of admission.

Promulgation No. 2018-005 The Supreme Court promulgated amendments to the Rule governing appeals from the Magistrate Division. With assistance of the RAC the rules governing these types of appeals were rewritten to greatly simplify the appellate process for such cases, most of which involve self-represented litigants.

Promulgation No. 2018-006. The Supreme Court adopted the recommendation of the Advisory Committee on Rules to approve technical amendments to Rules 4, 5, 6-1, 6-3, 15-2, 20, 45, 48, 60, 66, 71.1, and 79.2 of the Virgin Islands Rules of Civil Procedure.

Promulgation No. 2018-007. Amendment to Supreme Court rules adopting recommendation of the Advisory Committee on Rules to remove Rule 80 from the Virgin Islands Rules of Civil Procedure because it is not a procedural rule and adopting a new section 105 and that the internal administrative practices at section 101-105 be adopted as part of the Virgin Islands Rules of Judicial Administration.

Promulgation No. 2018-008. The Supreme Court adopted new rules on Uniform Reporting and Citation of Opinions, standardizing publication and citation of opinions across the branch.

FY 2018 JUDICIAL DESIGNATIONS

Legal or ethical conflicts may arise from time to time requiring recusal of one or more sitting justices, or any justice may temporarily be unable to serve. In such instances, the Chief Justice may appoint a retired, senior, or active judge of the Superior Court or the United States District Court of the Virgin Islands to serve as a Designated Justice. This designation bestows on the appointee all of the rights and responsibilities of an Associate Justice. In the rare event where all the justices of the Supreme Court are recused from a case, the most senior Designated Justice on the panel may exercise all the powers of the Chief Justice with respect to that particular case.

In fiscal year 2018 there were 6 recusals resulting in 6 new designations. The complete listing of judicial officers serving as Designated Justices during the course of the fiscal year is as follows:

- Douglas A. Brady, Judge,
Superior Court of the Virgin Islands
- Darryl Dean Donohue, Retired Judge,
Superior Court of the Virgin Islands
- Michael C. Dunston, Presiding Judge,
Superior Court of the Virgin Islands
- Denise M. Francois, Judge,
Superior Court of the Virgin Islands
- Brenda J. Hollar, Retired Judge,
Superior Court of the Virgin Islands
- Verne A. Hodge, Chief Judge Emeritus,
Superior Court of the Virgin Islands
- Robert A. Molloy, Judge,
Superior Court of the Virgin Islands
- Harold W. L. Willocks,
Administrative Judge,
Superior Court of the Virgin Islands
- Renee Gumbs-Carty, Judge,
Superior Court of the Virgin Islands
- Jomo Meade, Judge,
Superior Court of the Virgin Islands

Pursuant to title 4 Section 74 (a) former judges of the Courts of the Virgin Islands not actively engaged in the practice of law before the Superior Court may be utilized as “Senior Sitting Judges” in the Superior Court. During fiscal year 2018, the Honorable James S. Carroll III was designated Senior Sitting Judge of the Superior Court of the Virgin Islands. The Honorable Darryl Dean Donohue Sr. also continued to serve as Senior Sitting Judge in the District of St. Croix.







Supreme Court

OF THE US VIRGIN ISLANDS

VISION

The Supreme Court of the Virgin Islands strives to be a model of judicial excellence to serve the public, and earn its trust and confidence through innovative leadership; professional, efficient, accountable, and accessible services; and the impartial, prompt disposition of appeals in accordance with the rule of law.



Supreme Court of the Virgin Islands

Supreme Court of the Virgin Islands



Pursuant to title 4, section 32(a) of the Virgin Islands Code, the Supreme Court of the Virgin Islands is the highest local court. The jurisdiction of the Court is limited to the appellate review of final judgments rendered by the Superior Court, as well as a limited number of specified interlocutory orders. The role of the Supreme Court is to review the factual determinations of the Superior Court for clear error while exercising plenary review over its legal conclusions. The Supreme Court also provides a second level of appellate review for appeals taken from the Magistrate Division of Superior Court. The Superior Court is the court of first impression in the Virgin Islands judiciary. As the trial court, it has broad jurisdiction in addressing the legal needs of the Virgin Islands community. The Court has original jurisdiction to preside over all local civil, criminal, family, probate, landlord-tenant, small claims and traffic disputes. It also acts as a court of appeals

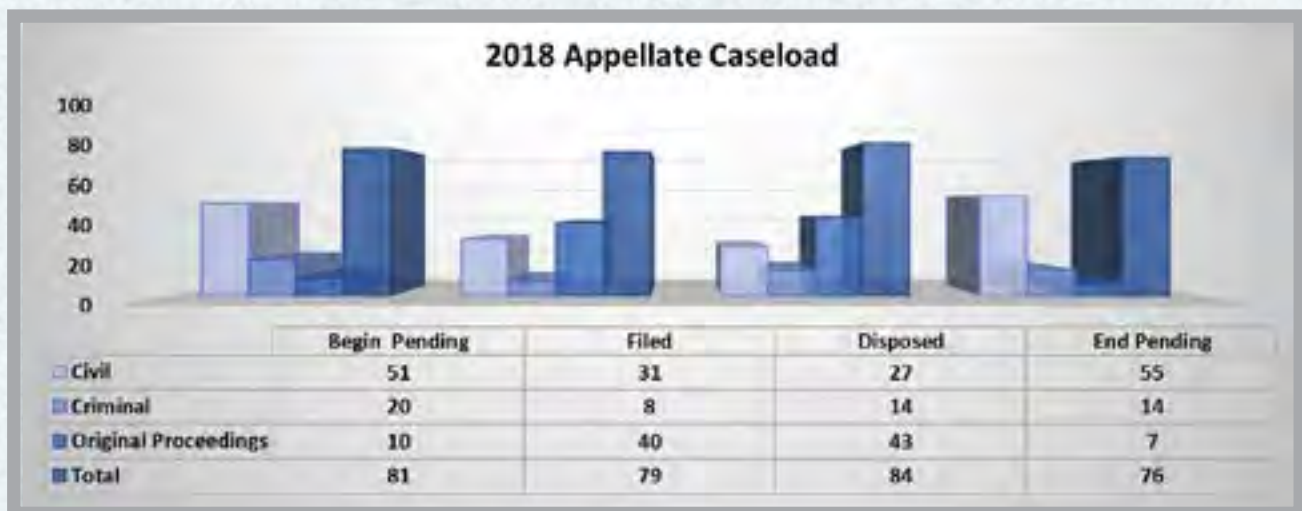
for decisions of all governmental officers and agencies.

The Supreme Court also hears cases that do not originate in the Superior Court. These cases are referred to as original jurisdiction matters. The most common exercise of the Court's original jurisdiction are in actions for writ of mandamus, in which the Supreme Court may order a government official—including a Superior Court judge—to perform a discrete, ministerial act. However, there are various other types of actions that may arise pursuant to the Supreme Court's original jurisdiction, which include proceedings for civil or criminal contempt, applications for writs of habeas corpus, attorney discipline and certified requests from federal courts and the highest courts of other jurisdictions for the Supreme Court to answer an unresolved question of Virgin Islands law.

APPELLATE STATISTICS

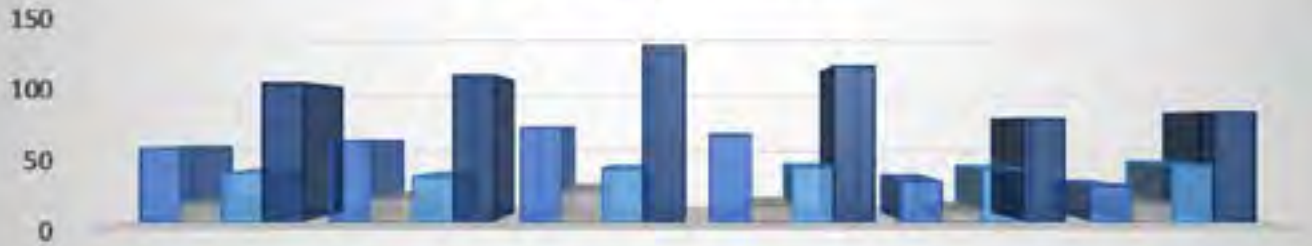
The devastation caused by Hurricanes Irma and Maria in September of 2017 resulted in a significant disruption of service for all courts in the Territory. In fact, the Supreme Court resumed its regular monthly sessions on April 10, 2018. The court held 7 sessions and considered 27 matters during the course of fiscal year 2018. Oral arguments were heard in 11 cases, and 15 cases were considered without oral argument. The Supreme Court issued 25 opinions, of which 20 were published. Case summaries and all published opinions issued by the Court are posted on its website, located at www.visupremecourt.org, and are automatically distributed free of charge to individuals who have subscribed to the Court’s mailing list.

The Office of the Clerk of the Supreme Court is responsible for the management of cases throughout the appellate process, and the maintenance of certain statistical data regarding case processing. The following caseload trends are reported for fiscal year 2018.



The Supreme Court commenced fiscal year 2018 with 81 matters pending. During the fiscal year, 79 new matters were filed for a total pending caseload in 2018 of 160 cases. The Court disposed of 27 civil appeals, 14 criminal appeals and 43 matters proceeding under the Court’s original jurisdiction for a combined clearance rate of over 100%. The Supreme Court ended the fiscal year with a total pending caseload of 76 cases, experiencing a slight increase of just 1%. The greatest impact experienced was in the number of new appeals filed. The Court saw an overall reduction of 41% in the number of appeals filed over the previous fiscal year.

Filings to Dispositions



	2016		2017		2018	
	Filed	Disposed	Filed	Disposed	Filed	Disposed
Civil	56	61	72	66	31	27
Criminal	13	17	23	12	8	14
Original Proceedings	37	34	40	41	40	43
Total	106	112	135	119	79	84

The number of criminal appeals filed dropped by 65%. Civil appeals also saw a decrease of 57%. With fewer sessions on account of the impact of the hurricanes, the Court experienced a 30% reduction in dispositions when compared to the previous year. Nonetheless, the Supreme Court maintained a case clearance rate of over 100% for fiscal year 2018.

INDIGENT APPOINTMENTS

The Office of the Territorial Public Defender possesses a statutory mandate to represent indigent defendants in criminal proceedings including appeals. On occasion however, the Public Defender is unable to provide indigent representation on a matter on appeal due to an ethical conflict, and the Supreme Court must then appoint an attorney to represent the indigent defendant. Supreme Court Rule 210 established a panel of attorneys who would volunteer to represent indigent parties on appeal, and set compensation at \$75.00 per every in-court and out-of-court hour in which services were provided, subject to a presumptively reasonable cost for indigent representation, which has been defined as either \$5,000.00 or \$7,500.00, depending on the seriousness of the offense. The caps however, may be waived by the Chief Justice under special circumstances. The Supreme Court nonetheless retains the authority to involuntarily appoint an attorney in the rare instance that the Office of the Public Defender and all of the attorneys on the appellate indigent defense panel are unable to represent a particular defendant. During the course of fiscal year 2018, the Supreme Court made 1 such appointment

ARMS OF THE SUPREME COURT

OFFICE OF BAR ADMISSIONS

The Supreme Court of the Virgin Islands oversees the Virgin Islands Bar Association, which includes the processing of applications to the Bar, and approval of rules and bylaws of the organization.

Admission to the Bar. The Office of Bar Admissions, together with the Committee of Bar Examiners, assists the Supreme Court in the administration of the Virgin Islands Bar Examination, conducting character and fitness investigations, and ascertaining the qualifications of all applicants for admission. Supreme Court Rules 201, 202, and 204 establish three classes of membership: regular, special, and *pro hac vice*.

Regular Admission. During the course of fiscal year 2018, there were 27 new petitions for regular admission filed, with the Court terminating 48 application cases. The Court closed the year with 42 petitions for regular admission pending. Additionally, the Supreme Court held 2 Bar Admissions Ceremonies, resulting in 10 new attorneys being admitted to the practice of law in the Virgin Islands in fiscal year 2018.



Pro Hac Vice Admission. Attorneys admitted to the practice of law in other United States jurisdictions, may be permitted to practice law in the Virgin Islands with respect to a single client matter, provided that the attorney is associated with a regularly admitted member of the Virgin Islands Bar, and that member has agreed to take full responsibility for the actions of the out-of-territory attorney. During fiscal year 2018, 51 new applications for *pro hac vice* admission were filed, reflecting a slight increase from the prior fiscal year, improving the clearance rate by over 90%. By the close of the fiscal year, the Court had effectively terminated 54 *pro hac* petitions, a 27% clearance rate improvement when compared to the previous fiscal year. 7 *pro hac vice* petitions remained pending.

Pro Hac Vice

60
40
20
0



	2015	2016	2017	2018
Filed	23	19	46	51
Disposed	14	29	36	54
Pending	10	1	10	7

Special Admission. Pursuant to Supreme Court Rule 202, an attorney admitted to the practice of law in another state, territorial jurisdiction, or to the District of Columbia, may, under the supervision of a regular member of the Virgin Islands Bar Association, practice law in the Virgin Islands on behalf of a federal or territorial government department or agency, or a specified public interest organization. During fiscal year 2018, 7 petitions for special admission were filed with the Supreme Court. The Court granted special admission to 7 attorneys and rescinded the special admission of 6 attorneys. At the close of the fiscal year, 6 matters remained pending.

Services to Existing Members of the Virgin Islands Bar

The Virgin Islands Bar Association performs several administrative services on behalf of the Supreme Court, to include the collection of annual membership dues and maintenance of records evidencing compliance with continuing legal education requirements. Attorneys are nevertheless required to request certain forms of relief directly from the Supreme Court.

Certificates of Good Standing. Certificates of Good Standing are issued by the Clerk of the Supreme Court and indicate that an attorney has complied with all membership requirements of the Virgin Islands Bar. At least once per year, members of the Virgin Islands Bar Association, must file requests with the court for Certificates of Good Standing to satisfy licensing requirements. Members may also require a Certificate of Good Standing to support applications for admission to the Bar of another jurisdiction. Eligibility to receive a Certificate of Good Standing, requires that the attorney be current with all membership dues, have satisfied all continuing legal education requirements, and be presently authorized to practice law in the Virgin Islands. During fiscal year 2018, there were 174 requests for certificates of good standing. The Supreme Court issued 180 certificates during the year.

Status Changes. Regular members of the Virgin Islands Bar Association may be either “active” or “inactive.” Inactive status is typically sought by attorneys who have accepted employment that does not require the practice of law, or by retired or non-resident attorneys who wish to maintain a connection to the Virgin Islands Bar Association. Additionally, The Supreme Court may grant an attorney permission to resign his or her membership, which terminates any financial obligation to the Virgin Islands Bar Association. With the Court’s permission, and provided that certain procedural requirements are met, attorneys may freely transfer between active and inactive status, and may request permission to resume the practice of law. In fiscal year 2018, the Office of Bar Admissions received and processed 18 requests for status changes..

Continuing Legal Education. In fiscal year 2014, the Supreme Court amended Rule 208, requiring all regularly and specially admitted attorneys to self-report their annual compliance with the completion of 12 continuing legal education credits to the Virgin Islands Bar Association. The amendments granted the Virgin Islands Bar Association’s CLE Committee specific authority to grant extensions of time through April 30th for self-reporting, but did not however vest the Virgin Islands Bar Association with any discretion to waive or excuse a member’s non-compliance. In fact, any request for a complete or partial extension from CLE requirements must be filed with the Supreme Court. Additionally, attorneys who desire an extension of time to satisfy their annual obligation beyond April 30th, must file a formal petition with the Supreme Court. During fiscal year 2018, there were no such requests filed with the Supreme and there were also no petitions filed for suspension due to non-compliance with CLE.

Attorney Registration. In accordance with Supreme Court Rule 203, effective January 1, 2018, the Supreme Court implemented the Attorney Registration process. Rule 203 requires all active members of the Virgin Islands to file an Annual Registration Statement with the Office of Disciplinary Counsel along with the payment of an annual registration fee of \$50. During the course of the fiscal year, there were 644 Annual Registration Statements filed, and 26 petitions for suspension due to non-compliance with the Attorney Registration requirements.

Additionally, in the first quarter of fiscal year 2015, the Office of Bar Admissions assumed full responsibility over the management and assignment of identification numbers for all new regular and special admitted members of the Virgin Islands Bar Association. During fiscal year 2018, the Office of Bar Admission issued 52 identification numbers to new members.

OFFICE OF DISCIPLINARY COUNSEL

Pursuant to Supreme Court Rule 209, the Office of Disciplinary Counsel was established to investigate and prosecute complaints against justices and judges from the Virgin Islands judiciary. Rule 209 also established the Virgin Islands Commission on Judicial Conduct to further assist with preserving the integrity of the judiciary and maintaining public confidence in the judicial system. In 2011, the Supreme Court amended Rule 207 expanding the function of Disciplinary Counsel to include the investigation and prosecution of grievances against members of the Virgin Islands Bar.

Judicial Discipline and Incapacity. In accordance with Rule 209, Disciplinary Counsel is tasked with investigating complaints against judicial officers under the direction of a three-member investigative panel. Upon completion of the investigation, the panel determines whether formal charges are warranted, and if so, Disciplinary Counsel prosecutes the complaint before a hearing panel. During fiscal year 2017, the Office of Disciplinary Counsel submitted 6 reports to the hearing panel for review and disposition resulting in 6 dismissals in fiscal year 2018. During the course of fiscal year 2018, four new complaints were received against judicial officers. Investigation in other matters are ongoing. No complaints alleging judicial disability were filed in fiscal year 2018..

Attorney Discipline. Attorney discipline includes, but is not limited to, private or public reprimand, probation, suspension and the most severe penalty of disbarment from the practice of law in the Virgin Islands. There were 36 new files opened in fiscal year 2018. When added to the 140 pending discipline matters from the previous fiscal year, the total caseload in fiscal year 2018 was 176 cases. The Office of Disciplinary Counsel disposed of 18 grievances, of these, 13 were dismissed. By the close of fiscal year 2018, there were 158 pending discipline cases.



Discipline Case Demographics. Of the 36 cases filed during the course of fiscal year 2018, 27 cases were filed by clients of the respondent-attorney; 4 cases were filed by opposing parties; 2 were citizen complaints; 1 was filed by Law Enforcement; 1 involved a Third-party payee; and 1 complainant was anonymous. As it relates to the nature of the complaints filed, 21 cases arose from general civil matters; 5 arose from criminal matters; 3 arose from probate matters; 2 were employment related; 2 related to real estate transactions; 2 arose from domestic matters; and 1 complaint was related to bankruptcy.



Unauthorized Practice of Law. Disciplinary Counsel is responsible for supervising the receipt, evaluation, investigation and prosecution of complaints of the Unauthorized Practice of Law. The Office of Disciplinary Counsel began fiscal year 2018 with 8 pending matters. 2 files were opened during the course of the year, and 7 cases were resolved. Additionally, Discipline or Voluntary Assurances were imposed in 3 cases. At the end of FY 2018, 3 cases remained pending-- two cases are before the Supreme Court and one is under active investigation.



Discipline History. The Office of Disciplinary counsel is also responsible for responding to requests for discipline histories for Virgin Islands’ attorneys seeking admission to the bars of other states, or employment in the federal judiciary. The Office of Disciplinary Council fulfilled 30 such requests.

Receiverships. Pursuant to Rule 207.24, Disciplinary Counsel also has the power to act as or retain the services of an outside lawyer to act as a Receiver in cases of death, disability, abandonment, suspension, or disbarment for active attorneys. No new receiverships were filed in FY 2018. Disciplinary Counsel continues to serve as Receiver in 2 cases appointed in the previous year.



Superior Court

OF THE US VIRGIN ISLANDS

MISSION

It is the mission of the Superior Court of the Virgin Islands to protect the rights and liberties of all, interpret and uphold the law, and resolve disputes promptly peacefully, fairly and effectively in the United States Virgin Islands. The Superior Court meets this mandate by providing an optimum level of service to all while maintaining the highest level of integrity, confidentiality, and public trust in the administration of justice regardless of race, sex, nationality, or creed.

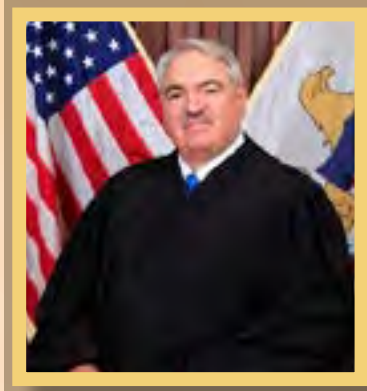




Superior Court of the Virgin Islands

Superior Court of the Virgin Islands

Headed by a Presiding Judge, the Superior Court of the Virgin Islands is a court of general jurisdiction with broad jurisdiction in addressing the legal needs of the Virgin Islands community. The Court hears all local trial matters including civil, criminal, family, probate, landlord-tenant, small claims and traffic, and hears appeals for administrative decisions by governmental officers and agencies. The Court is comprised of 10 trial court judges and 4 magistrate judges. The following judicial officers served during fiscal year 2018:



Michael C. Dunstan
Presiding Judge



Harold W. L. Willocks
Administrative Judge



Kathleen Y. Mackay
Judge - STT/STJ



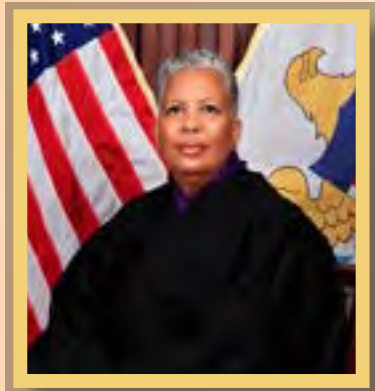
Denise Hinds Roach
Judge - STX



Debra S. Watlington
Judge - STT/STJ



Douglas A. Brady
Judge - STX



Denise M. Francois
Judge - STT/STJ



Robert A. Molloy
Judge - STX



Renee Gumbs-Carty
Judge - STT/STJ



Jomo Meade
Judge - STX

— — — — —
MAGISTRATE DIVISION
— — — — —



Jessica Gallivan
Magistrate Judge - STX



Miguel Camacho
Magistrate Judge STX



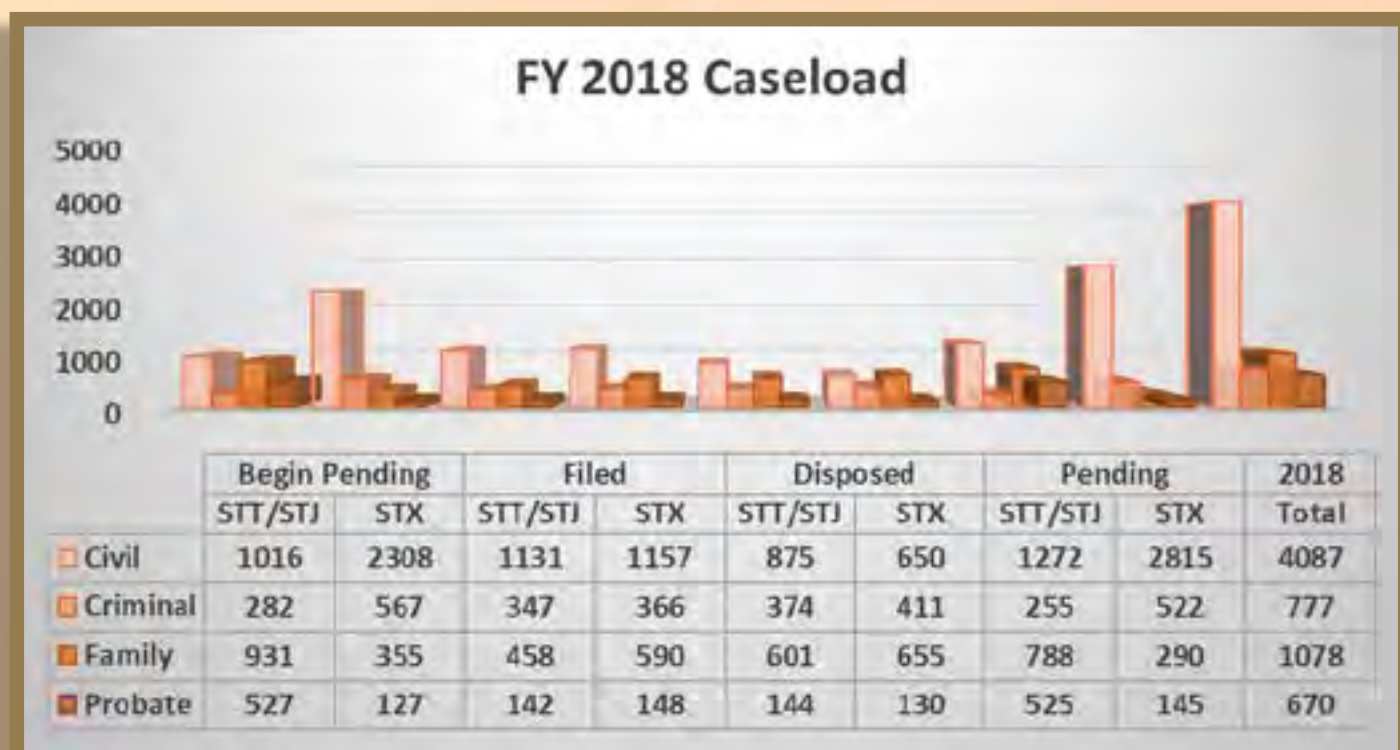
Carolyn P. Hermon-Percell
Magistrate Judge STT/STJ



Henry V. Carr, III.
Magistrate Judge STT/STJ

CASELOAD STATISTICS

The Office of the Clerk of the Superior Court is responsible for the management of cases at the trial court level. This includes Civil and Small Claims, Conciliation, Criminal, Family, Traffic, and Probate matters. Specifically, the Clerk’s Office receives and processes court documents, attends and assists in all court proceedings, maintains the Court’s files, facilitates the availability of interpreting services, to include sign language; and, enters the Court’s orders, judgments and decrees. During fiscal year 2018, following the devastation caused by Hurricanes Irma and Maria, while the judiciary resumed operating by mid-October, normal operations did not resume until the second quarter of 2018, and even then, the territory as whole continued to experience a myriad of operational challenges. In this regard, the following caseload trends are reported for fiscal year 2018..



Civil Division. The Superior Court has original jurisdiction over all local civil actions regardless of the amount in controversy. Civil matters also encompass small claims and conciliations, and small claims actions are cases in which the amount in controversy does not exceed the dollar value of \$10,000, exclusive of interest and costs..

Civil Division Caseload



	Begin Pending		Filed		Disposed		Pending		Total
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	
Civil Bench	471	714	479	317	274	243	676	788	1464
Civil Jury	348	1456	176	530	136	135	388	1851	2239
Small Claims	161	123	278	199	266	181	173	141	314
Evictions	36	15	198	111	199	91	35	35	70

The Superior Court began fiscal year 2018 with a combined civil caseload of 3,324 cases. Despite the impact of the storms and the resulting disruption of services across the judiciary, new case filings increased by 22% with 2,288 new civil matters being filed during the course of fiscal year. While there were moderate increases in the number of civil jury trials filed following the storms, civil non-jury matters increased by over 100%. Case outcomes were the most consistent in small claims, where Magistrate Judges maintained an overall case clearance rate of 94%. Specifically, in fiscal year 2018, 477 new small claims cases were filed, and 447 cases were disposed. The disruption caused by the storms had a demonstrable impact on civil case dispositions. The Superior Court experienced a combined 24% decrease in dispositions across all civil case types and closed the year with a combined civil caseload of 4,087, a 23% increase in cases pending over the previous fiscal year.

Criminal Division Caseload



	Begin Pending		Filed		Disposed		Pending		Total
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	
Criminal Bench	90	127	155	124	180	140	65	111	176
Criminal Jury	192	440	192	242	194	271	190	411	601

Criminal Division. In accordance with Act No. 5890, on September 30, 1993, the Virgin Islands Legislature granted expanded jurisdiction to the now Superior Court of the Virgin Islands. Effective January 1, 1994, the Superior Court of the Virgin Islands assumed original jurisdiction over all criminal offenses committed in violation of the Virgin Islands Code. At the close of fiscal year 2017, the Superior Court had a pending criminal caseload of 849 cases. Following the storms, there was a 39% decrease in criminal case filings over the previous year. However, with the reduction in new criminal case filings, case clearance rates for both criminal jury and criminal non-jury matters were over 100%. At the close of fiscal year 2018, there were 777 pending criminal cases, for an 8% reduction in the overall criminal caseload.



Family Division. The Family Division was established in accordance with Title 4 V.I.C. § 79. This Division maintains all pending case files pertaining to divorce, separation, and annulment; actions relating to support of relations; adoption; changes of name; paternity suits; actions to appoint and supervise guardians; probate; and actions relating to juvenile matters.

Family Division Caseload



	Begin Pending		Filed		Disposed		Pending		Total
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	
Family	893	301	255	287	381	332	767	256	1023
Domestic Violence	16	18	162	254	172	255	6	17	23
Juvenile	22	36	41	49	48	68	15	17	32

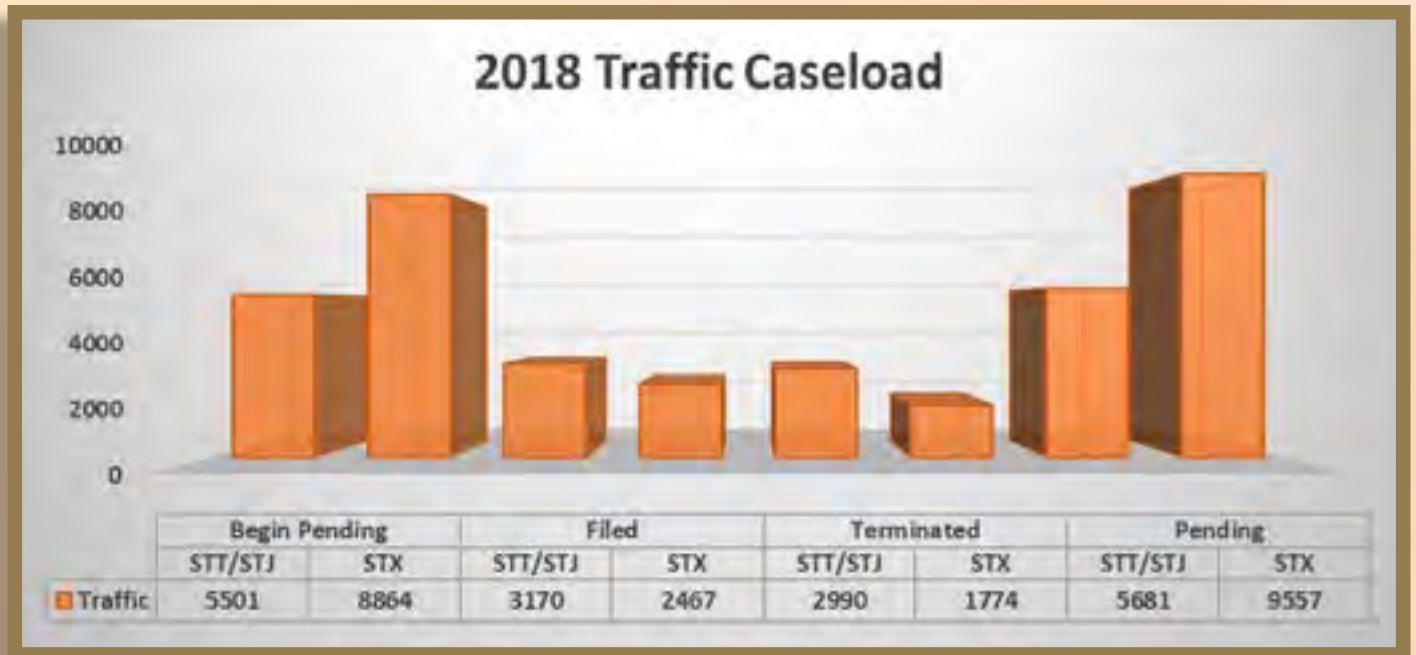
The Superior Court began the year with 1,286 pending family matters. During the course of the year, 1,048 new cases were filed, for an 11% reduction in filings over the previous year. The court disposed of 1,256 family matters, resulting in an overall reduction in the pending caseload of 16%.

Probate Division Caseload



	Begin Pending		Filed		Disposed		Pending		Total
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	
Probate	582	175	142	148	144	130	580	193	773

Probate Division. The Superior Court has exclusive jurisdiction over the probate of wills and the administration of decedents' estates. The Division maintains all pending case files and all wills deposited with the Clerk of the Court in accordance with Title 15 V.I. Code Ann. § 22. In fiscal year 2018, 290 new probate matters were filed. During the course of the fiscal year, 274 cases were terminated for an overall clearance rate of 94%.



Traffic Division. The Traffic Division was established in accordance with Title 4 V.I. Code Ann. § 79. The Division is responsible for the appropriate disposition of all traffic offenses and the preparation of the applicable records and reports relating to these traffic tickets as directed by the Court. The Clerk of the Superior Court is the repository for all uniform traffic tickets issued by law enforcement officers and others. The Superior Court experienced a 29% reduction in citations filed when compared to fiscal year 2017. Despite the disruption in operations caused by the storms, the court nonetheless achieved an 84% case clearance rate on traffic matters and experienced only a slight increase of 6% in its pending caseload when compared to the previous year.

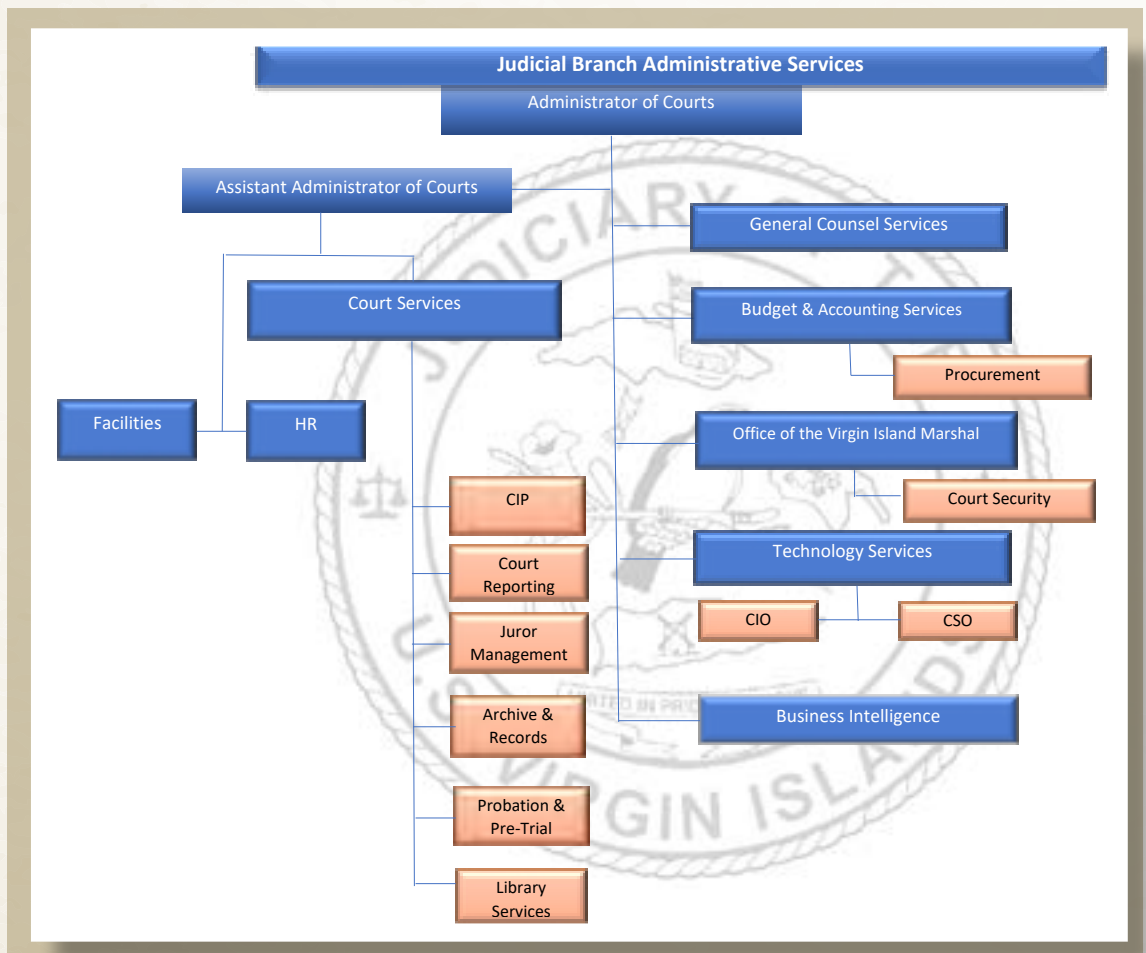




Judicial Branch Administration

Judicial Branch Administration

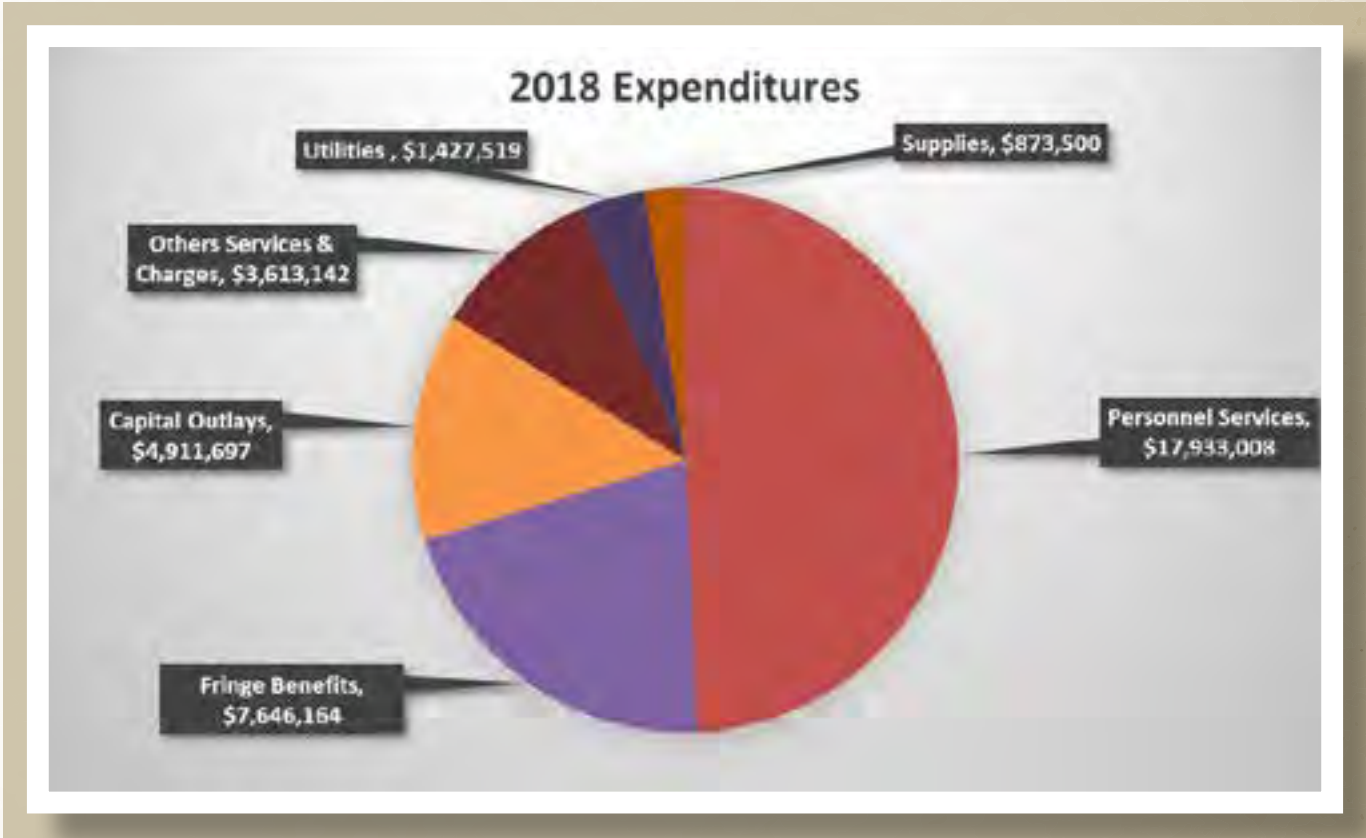
Act No. 7888, unified the administrations of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands. Subsequent to the passage of this legislation on July 29, 2016, the Supreme Court amended Supreme Court Rule 101 to establish the Judicial Branch Administrative Office. Headed by an Administrator of Courts under the direction of the Chief Justice, the primary function of the Judicial Branch Administrative Office is the management and supervision of the day-to-day internal non-judicial operations of the branch. In addition, the Judicial Branch Administrative Office is tasked with assisting the Chief Justice in the preparation and publishing of the annual report of the judiciary, as well as the preparation of a single annual budget request for the Judicial Branch.



Budget and Accounting Services. On May 30, 2017, the judiciary submitted a unified budget request in the amount of \$39,603,983 to fund its operations for fiscal year 2018. This request represented a 10% reduction from the \$44,199,754 combined request submitted for the separate operations of the Supreme Court and the Superior Court for fiscal year 2017. While the Judiciary was scheduled to defend its Budget on September 21, 2017, all such hearings were postponed indefinitely in the wake of Hurricanes Irma and Maria. Instead, the 32nd Legislature of the Virgin Islands' passed a roll-over budget, maintaining

government funding at 2017 levels. Accordingly, for its operations in fiscal year 2018, the Judicial Branch received an appropriation of \$35,246,781.

Grant Assistance and other Funding. For fiscal year 2018, the Judicial Branch successfully applied for a Violence Against Women’s Act grant in the amount of \$6,407 through the Law Enforcement Planning Commission (LEPC) to facilitate travel by the Family Court Judges to the 80th Annual National Council of Juvenile and Family Court Judges Conference. The Judiciary also received a Court Improvement Program Grant through the Department of Health and Human Services’ Administration for Children and Families in the amount of \$65,668. This funding is primarily utilized to fund a staff position within the judiciary to work with the family court judges and partner agencies to establish protocols to improve outcomes in abuse and neglect cases. CIP is discussed in more detail later in this report. Additionally, while insurance settlement negotiations remain ongoing, the judiciary received some policy settlements and advances totaling \$1,096,305 during the course of the fiscal year. Accordingly, for fiscal year 2018 the total funding available for expenditure to the Judicial Branch was \$36,415,161. By the close of fiscal year 2018, the Judiciary had expended \$36,405,030.



Procurement. In the aftermath of Hurricanes Irma and Maria, and ongoing recovery efforts, capital expenditures increased by nearly 50%. In response to the challenges faced with vendor response and the procurement of relief goods and services, in December 2017, Chief Justice, Rhys S. Hodge authorized the relaxation of the Judiciary’s Procurement Regulations to facilitate and expedite recovery efforts. Major expenses included emergency roof and interior repairs at the Alexander A. Farely Justice Center, moisture and mold remediation efforts at all facilities, debris removal, generator maintenance and fuel expenses, structural assessments of both the Alexander A. Farely Justice Center and the R. H. Amphlett Leader Justice Complex, vehicle and equipment repair and replacement, furniture replacement, and other critical equipment purchases. Structural assessments revealed significant damage to the roof members of both Superior Court facilities due to repeated high wind loadings, and fatigue and weakening of roof

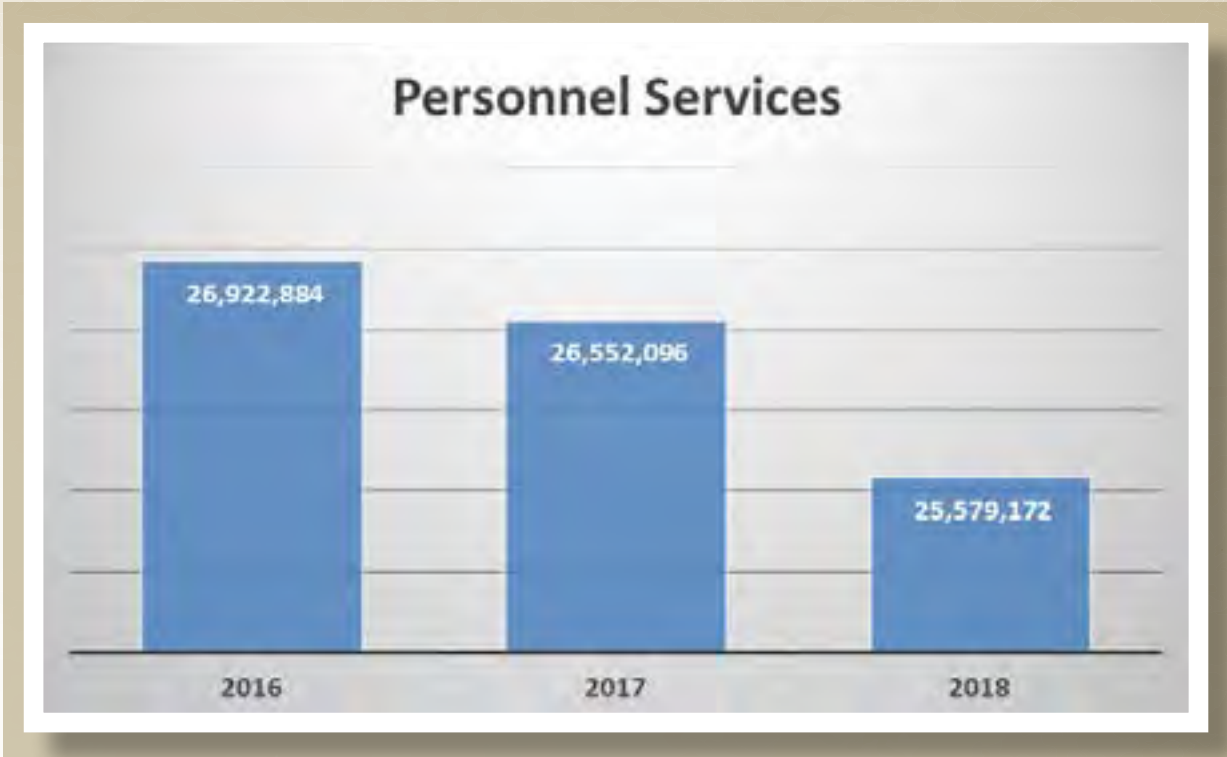
panels. This resulted in recommendations to replace all panels at the Alexander A. Farrelly Justice Center, and an entire roof replacement for the R. H. Amphlett Leader Justice Complex on St. Croix. The Judicial Branch Administrative Office worked with its engineering consultant to develop applicable scopes of work with formal solicitations for both roofing projects scheduled to be issued in fiscal year 2019.

By early November 2017, the strain of 24-hour operation of stand-by generators at principal court locations proved too much for the judiciary's existing infrastructure, and generators at 3 out of 5 location experienced catastrophic failures. The backup generator at the Alexander A. Farrelly Justice Center, which has served the entire Justice Center for more than 25 years, providing standby power to the Virgin Islands Police Department and the Bureau of Corrections, has always been managed and maintained by the judiciary. Upon failure of the unit at the Farrelly Justice Center, the Federal Emergency Management Agency (FEMA) deployed a backup generator to support the critical services within the center. While the judiciary utilized the FEMA supplied back-up generator, administration examined the cost of replacement versus repair and determined that it was more cost effective to overhaul and rebuild the existing generator. We are pleased to report that judiciary's generator is back online and once again providing emergency backup power to the entire Justice Center. However, other components, to include the automatic transfer switch and electrical connections, and restoration to service of the underground fuel storage tank are scheduled for replacement/reconstitution in fiscal year 2019.

Additionally, during the post Hurricane recovery effort, there has been a continuous and diligent efforts to preserve indoor air quality through sanitation, filtration and remediation in courtrooms and throughout offices in both districts. A battle the judiciary continues to fight as roof repairs remain pending. By the close of fiscal year 2018, the judiciary had already spent in excess of \$250,000 in these areas. During the course of the fiscal year, the judiciary also began to mitigate future damage by replacing padded carpet with rubberized carpet tiles and other carpet with porcelain tile to eliminate mold and mildew. These efforts remain ongoing. By the close of fiscal year 2018, the judiciary had either expended or encumbered \$2,259,929 for recovery efforts.

Library Conversion Project. With the appointment of a 5th Judge in the District of St. Croix in 2015, the Superior Court embarked on a long journey to establish a 7th courtroom at the R.H. Amphlett Leader Justice Complex. By 2017, the judiciary had commissioned Millwork Services for construction and installation of the court bench and courtroom seating. After nearly 2 years of courtroom rotations, we are pleased to announce that despite the effects of Hurricanes Irma and Maria, the new family court was completed by the close of the fiscal year 2018. For fiscal year 2019, we proudly transitioned to a new state-of-the-art family courtroom, which has in turn facilitated the availability of 4 jury capable courtrooms and 2 magistrate courtrooms, for a total of 7 courtrooms in the district of St. Croix. Unfortunately, with the cost of constructing the Superior Court Family Court Annex estimated at \$20 million, the only cost effective and viable alternative to house a new family court was to convert the existing Superior Court Library. Accordingly, the resolution to the shortage of courtrooms created a vacuum for library services within the local judiciary. However, in addition to the completion of structural repairs/upgrades to our facilities, the judiciary is committed to the restoration of critical library services as a strategic objective for 2019-2020.

When compared to the previous two fiscal years, the judiciary experienced the largest reduction in expenditures in personnel costs, a difference of 5% or approximately \$1.3 million since the courts were administratively unified in 2016. While some of the reduction is attributable to consolidation strategies including attrition, and strict adherence to budgeted staffing plans, other factors discussed later in this report also continue to play a significant role in this trend. However, it is important to note that these figures also represent periods of austerity during which there have been no increases in employee compensation.



REVENUE COLLECTIONS TO GVI

Revenue collected by the Judicial Branch emanate from numerous sources and are deposited into various funds of within the Treasury of the Virgin Islands including but limited to the General Fund, the Transportation Trust Fund, the Solid Waste Revolving Fund and the Special Fund. Revenue sources for these collections include, but are not limited to, Marriage Licenses and Ceremony Fees, Certified Marriage Returns, Filing Fees, Traffic and Parking Fines, Court Costs and Penalties, Criminal Fines, Probation Administrative Fees, Pretrial Administrative Fees, Certified Documents, Bail Forfeitures, Conservation and Litter Fines, and Notary Fees. In fiscal year 2018, the Judicial Branch deposited a total of \$1,393,915 into the Treasury of the Government of the Virgin Islands. In the wake of the storms, collections decreased by 35% when compared to FY 2017.

	St. Thomas	St. Croix	Total
<i>General Fund</i>	542,900.74	285,764.00	828,664.74
<i>Transportation Trust Fund</i>	293,006.75	191,720.00	484,726.75
<i>Special Fund</i>	18,299.00	38,662.00	56,961.00
<i>Solid Waste Revolving Fund</i>	17,850.00	5,713.00	23,563.00
TOTAL	\$872,056.49	\$521,859.00	\$1,393,915.49

Human Resources

In the aftermath of the storms, the Judiciary perhaps experienced the greatest challenges in the area of personnel. In fact, during the initial recovery period, the judiciary experienced the departure of 60 employees – a 50% increase in the turnover rate from the previous fiscal year. This unprecedented amount of vacancies has had a significant impact on the work of the judiciary. Our employees have experienced an increased workload, while we have experienced higher replacement costs to attract new talent in addition to project delays due to manpower shortages.

Despite best efforts to support our employees through favorable use and applications of policies and programs—Family Medical Leave, Donated Leave, Alternative Work Arrangements Programs, Employee Assistance, and Leave Without Pay— exit interviews reflected 97% of the departures were voluntary, and as a direct result of challenges employees experienced after Hurricanes Irma and Maria and concerns over the longevity of the GERS. Notwithstanding the high turnover rate and a shortage of qualified candidates, the judiciary did experience some success in recruitment. The Judicial Branch Administrative Office onboarded and retained 34 new employees during the fiscal year, reducing the number of vacancies by 57%. Fifteen new employees were onboarded at the Superior Court, 3 at the Supreme Court, and 16 were hired within the various divisions that comprise the administrative office of courts.

Additionally, the judiciary promoted 30 internal candidates to higher level positions. There were 7 promotions within the Superior Court, 2 within the Supreme Court, and 21 promotions within the Judicial Branch Administrative Office. We anticipate that our vacancies will be further reduced in the upcoming fiscal year with some additional recruitment strategies we are implementing, including participation in job fairs, implementation of an applicant tracking system, and more outreach efforts

Office of the Virgin Islands Marshal

The OVIM executes warrants, conducts investigations on incidents occurring at the court facilities, conducts back ground investigations and carries out peace officer responsibilities throughout the Territory. However, one very important role of the Office of the Virgin Islands cannot be underscored, and that is OVIM's responsibility for incident command and disaster response as the lead division in the judiciary's Emergency Response Team. In the aftermath of hurricanes Irma and Maria, in addition to principal response and assessment of the judiciary's facilities, safety and security of our judicial officers, and wellness checks on all judicial branch personnel, OVIM provided auxiliary support in the Territory's response efforts by assisting the Virgin Islands Police Department (VIPD) with traffic control in the district of St. Thomas and St. John. In the District of St. Croix, OVIM provided assistance to both VIPD and the Virgin Islands emergency Management Agency (VITEMA) with the transport of nurses to and from hurricane shelters in the District of St. Croix during curfew hours. OVIM also assisted with the escort of fuel deliveries and curfew enforcement in both districts.

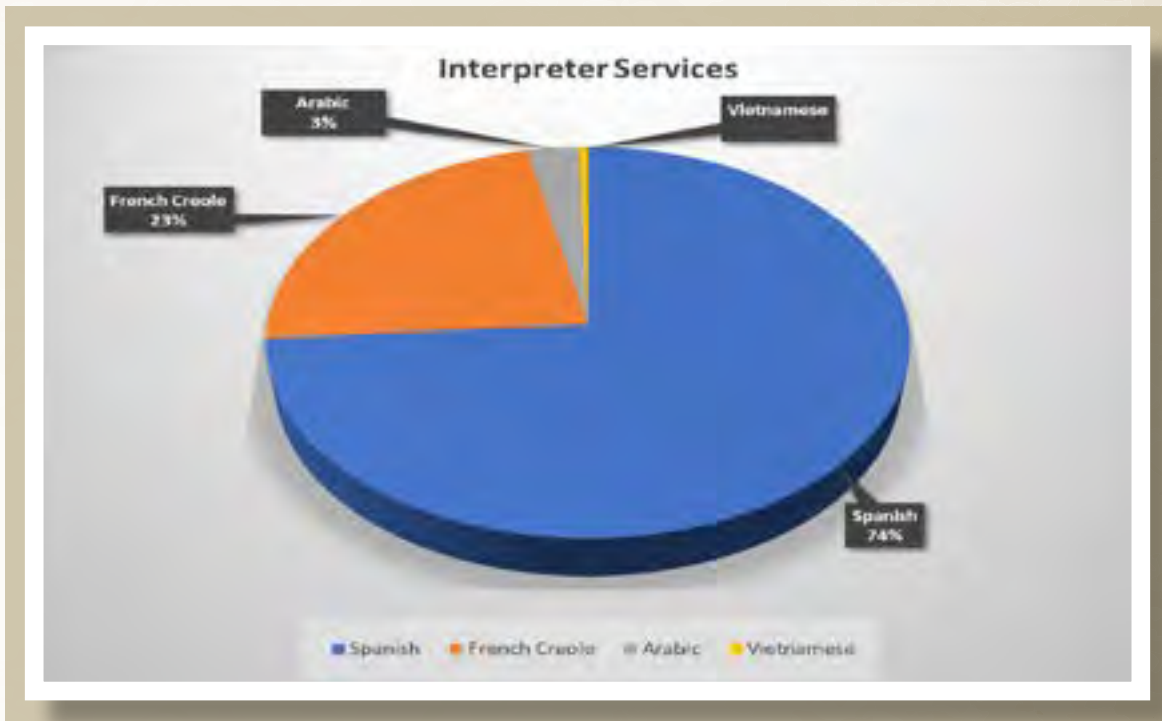
Court Services

The Court Services Division is comprised of the following services and offices within the Judicial Branch: Archiving and Records Retention; Court Reporting; Court Interpreting; Jury Management; Law Library; Pretrial Intervention (Diversion), Probation and Parole, and the Rising Stars Youth Steel Orchestra Program.

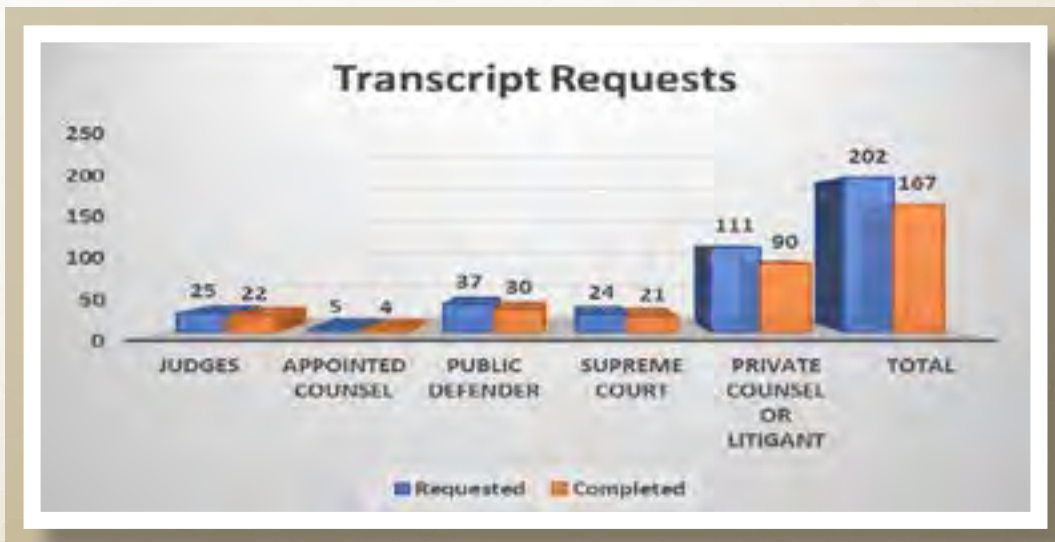
Court Interpreting Services. Court Interpreters are an integral component of the operations of the judiciary in its quest to provide access to justice for all litigants. Interpreters provide the requisite translation services required by Limited English Proficient (LEP) customers/ litigants during various hearings and other activities within the Court. Interpreters are utilized in criminal, civil, juvenile delinquency, mental health, domestic violence, elder abuse, traffic,

unlawful detainer (eviction), guardianships and conservatorship, and other miscellaneous matters before the Court, at no cost to the litigants.

During fiscal year 2018, the Court provided LEP litigants with language assistance from multiple sources - staff interpreters, independently contracted interpreters, and the use of telephonic interpretation through Language Line. During the course of the fiscal year interpreters were utilized 326 times. Of the services provided, staff interpreters provided assistance to 168 Spanish speaking court customers/litigants. The second most requested language service was for French Creole. However, since there are no French Creole Interpreters on staff, 51 requests for French Creole Interpreting services were fulfilled by an independent contractor.



Court Reporting. Court Reporting is among the centralized services of the judicial branch. The Court Reporting Division is responsible for making verbatim records of all proceedings in the Superior Court and providing official transcripts to the Supreme Court upon the filing of an appeal or upon requests by litigants, attorneys or other interested parties. In fiscal year 2018, there were 202 transcript requests. 167 were completed. 35 remained pending at the close of the fiscal year.



Juror Management. The Jury Management Division is responsible for overseeing the preparation of the master list of qualified prospective jurors for criminal and civil jury trials conducted by the Superior Court of the Virgin Islands. The Office secures jurors, representing a cross-section of the community, by sending Juror Qualification Questionnaires to determine prospective jurors' ability to serve and issuing summonses for Juror Service.

The first quarter of 2018 was marred by the devastation and disruption caused by Hurricanes Irma and Maria. Although the Judicial Branch officially resumed operations on October 16, 2017, several aspects of court services proved more difficult to resume because of damage to the communications infrastructure throughout the Territory, and more importantly the overall human condition. This affected not only court personnel, but lawyers' ability to practice, and jurors' ability to report for duty in those early months following the storms. In fact, jury service resumed in the District of St. Thomas/St. John in December for February trials, and March in the District of St. Croix for trials to be held in April.

During fiscal year 2018, the Jury Management Division issued a total of 9,245 Summons/Juror Questionnaires and received approximately 5,400 responses, a response rate of less than 40%. From this recruitment pool, only 706 persons were selected to serve jury duty on cases for fiscal year 2018, for an overall return rate of just 8%. Although juror pools/responses have been on a steady decline in recent years, following Hurricanes Irma and Maria, there was an unprecedented 61% reduction in the number of jurors when compared to fiscal year 2017. In fact, ultimately, just 408 persons served on jury panel in 2018. Expenditures in this area also dropped by 37% due to a fewer number trials.

DISTRICT	JURY FEES	TRANSPORTATION	JUROR MEALS, ET. AL.	TOTALS
ST. CROIX	\$32,500.00	\$10,898.02	\$5,435.00	\$48,833.02
ST. THOMAS/ST. JOHN	\$57,640.00	\$17,191.10	\$10,715.00	\$85,546.10
TOTALS	\$90,140.00	\$28,089.12	\$16,150.00	\$134,379.12

Probation and Parole. The Office of Probation and Parole provides a diverse set of services to our community as a direct function of its office. The Office is responsible for Pre-Trial Release Supervision, and local and interstate Probation and Parole Supervision. In addition to its supervision responsibilities, the office conducts and prepares Pre-sentence Investigation and Reports, and Interstate Investigations and transfers.

During fiscal year 2018, the Probation Division assisted 13,338 individuals, to include probationers, parolees, pre-trial release clients, victims, victim's family members, defendant family members, attorneys, police officers, individuals from other agencies as well as the general public. During the course of the fiscal year 352 supervision cases were terminated, 219 in the District of St. Croix and 133 in the District of St. Thomas and St. John. 190 new requests for pre-sentence reports were received during the fiscal year. The Office of Probation and Parole submitted 199 pre-sentence reports for a clearance rate of over 100%. Despite vacancies and staff shortages in this area, Probation Officers in both districts conducted a total of 253 field visits for a decrease of just 1% when compared to the number of visits conducted in fiscal year 2017. The office nonetheless saw a 38% increase in probation client referrals across both districts over the previous fiscal year. For fiscal year 2018, the office experienced a 2% increase in new pre-trial release supervision cases with 546 new cases being filed when compared to the 644 cases opened in the previous year.

INNOVATION AND PROGRAMMING

Technology Projects

Due to the impact of Hurricane's Irma and Maria, there was a significant delay in the kick-off of the judiciary's new Case Management System Project. The CMS project is the cornerstone of technological advancement of the judiciary in more than 10 years. Thompson Reuters was selected to implement their enterprise case management solution, C-Track, to provide public access to court records, electronic filing and the ability to make payments online for all Superior Court case types. The official launch of the project occurred on January 24, 2018. The CMS initiative was expanded on October 17, 2018 to include the integration of the Supreme Court, to allow not only seamless document and data sharing amongst the courts, but to also introduce a uniform front end for one e-file application to be used across the branch.

The new case management system will provide useful case data, scheduling, tickling and calendaring to increase efficiency. In addition to a modern highly integrateable web-based system, C-Track will facilitate the production of accurate and meaningful reports to track performance metrics and assist in the development of additional performance improvement strategies. More importantly, system functionality will support e-filing towards the ultimate goal of promoting a paperless court. C-Track will also incorporate time standards to assist with expeditious movement and monitoring of all case types to include small claims and civil matters.

During the week of June 25, 2018, the Judiciary's Case Management Implementation team hosted a C-Track Case Management System Power User Training at the Superior Court on St. Thomas. The week-long training consisted of full-day training sessions designed to provide hands-on training on the new case management system in a lab setting. Users from all divisions were able to walk through the step by step process of case entry by case type, create tasks, work queues, calendaring, hearing, sentencing and accounting/administration functions. These trainings are specifically designed to develop Certified Power Users who will then be tasked testing the configuration of the case management system as well as training other employees within their division. Similarly, out IT staff have been engaged in the actual configuration process from inception to ensure adequate and effective knowledge transfer throughout the duration of the CMS project.





High Tech Courtrooms

The judiciary continues to implement audio and video capabilities within its courtrooms as part of a modernization project. The long-awaited completion of the new Family courtroom and chambers within the R.H. Amphlett Leader Justice Center provided the opportunity to expand the use of video conference and evidence display within the Superior Court. The technology implemented in this courtroom project will serve as a blueprint for anticipated upgrades to all of the existing courtrooms.

Network Operations

In the second quarter of 2018, as part of the new Case Management System project and Continuity of Operations Plan, the judiciary's technology division launched the cloud datacenter solution. This data center currently hosts the new CMS and Probation test environments, and will eventually host the final applications. As part of a 3-year modernization and network stabilization plan, on-premise servers in the District of St. Croix were also upgraded to facilitate the upgrade of the court and standardize deployment across all sites. The judiciary also implemented failover capacity for its wireless network, a plan which will include satellite connectivity failovers in the event of a disaster.

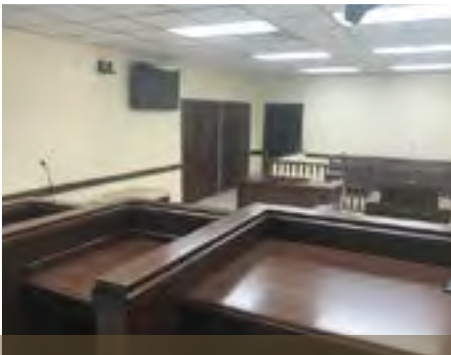


Judicial Branch Website Project

Prior to the administrative unification of the courts, both the Supreme and Superior Court of the Virgin Islands had issued RFPs for website redesign services which in both instances proved to be cost prohibitive with austere budgets. Post-unification, the individual projects were consolidated into one project which in addition to the upgrade of the individual websites, would include the establishment of a Judicial Branch Portal. This project launched simultaneously with the CMS and has faced similar challenges of the loss of critical staff resources and delays on account of the hurricanes. When completed, in addition to creating an online presence for the unified judiciary, the user-focused, and mobile-friendly portal will provide enhanced access to eServices with features including public access to court case information, court calendars and court rules on demand branch-wide and Opinions as well as court rules that will be searchable, within a variety of parameters.

Court Improvement Project

The State Court Improvement Program (CIP) was created as part of the Omnibus Budget Reconciliation Act (OBRA) of 1993, Public Law 103-66, which among other things, provided Federal funds to State child welfare agencies and Tribes for preventive services and services to families at risk or in crisis. The Court Improvement Program (CIP) is a mandatory formula grant authorized under Section 438 of the Social Security Act that is received by all 50 states, Puerto Rico, the District of Columbia and now the U.S. Virgin Islands as of 2017. The purpose of the CIP is to: (1) promote the continuous quality improvement of court proceedings and legal representation in child welfare cases and (2) enhance collaboration between the judicial branch of state government, the Title IV-E/IV-B agency and tribes to improve child welfare outcomes. During fiscal year 2018, the Judiciary of the U.S. Virgin Islands focused on training initiatives designed to formalize relationships between the Department of Human Services, Court staff, lawyers engaged in family practice and/or specifically the handling of abuse and neglect cases, the Attorney General's office and other agencies otherwise involved in permanency determinations.



EMPLOYEE CORNER

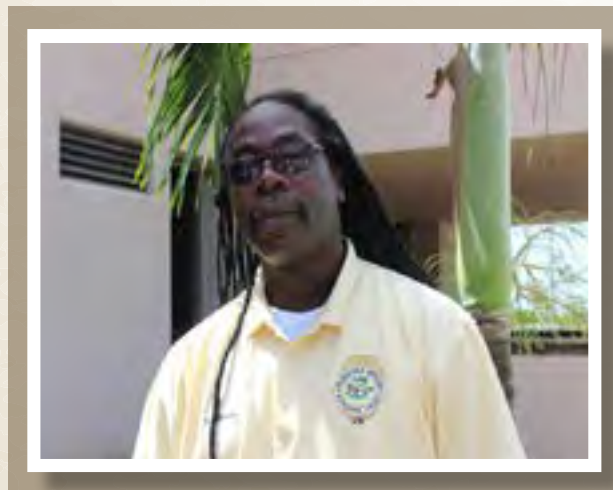
Employee Honors

Through tribulations and hardships, our employees continue to perform to the highest standards. The pressure of the workplace and environment has not hindered them but made them even more determined to effectuate positive change. Through each individual's collective efforts, we see the improvement in the services and quality of life for our community. Regularly taking the initiative to perform beyond the confines of a job description, is one of the many attributes that makes our 2018 honorees Earl Andrews and Inez Hunt Todman, stalwarts in public service.

Earl A. Andrews, Probation Officer in the St. Croix District is a professional with over 20 years of governmental experience who performs his duties with distinction and integrity. This dedicated worker believes in collaboration with internal and external customers and thrives on challenges. Earl has a strong work ethic and is extremely passionate about his work for the judiciary and outreach in his community.

We also congratulate Ms. Inez Hunt Todman, Court Clerk I/Interpreter in the St. Thomas/St. John District. Ms. Todman's infectious smile, pleasant tone, and calming demeanor is soothing to both employees and those who come to the judiciary for services. She is dependable and always willing to assist in a multitude of areas, whether scheduled or on short notice. Inez is very customer service oriented and puts other's needs before her own. She is a consummate professional who takes pride in her work as an interpreter.

The Judicial Branch and the People of the Virgin Islands expect a high degree of proficiency in the work place and it is always a pleasure to see when employees have surpassed those expectations. Congratulations to our 2018 Honorees.



**Earl A. Andrews
Probation Officer**



**Inez Hunt Todman
Court Clerk I/Interpreter**

Dedicated Service Awards

Working at the judiciary in a public service capacity is a dedication to the people of the Virgin Islands. It is about individuals with strong character, devotion, service and positively impacting your community. The judiciary is indebted to our hardworking team members who have chosen to dedicate their time and talent to our organization and improving the administration of justice. During the Judiciary's annual employee recognition ceremony, we recognized nine retirees who have embarked on a new course with endless possibilities, and 45 individuals who celebrated service anniversaries of ranging from 5 to 35 years of service.

COMMUNITY PARTICIPATION, OUTREACH AND PROGRAMMING

Every year the Judicial Branch maintains its commitment to the education and professional development of students, as well as the education of the general public about its processes and the Virgin Islands Judicial System. In fiscal year 2016, the Supreme Court continued to record and stream its oral arguments live on the internet, making archived recordings available on its website as well as permitting free public access to view all documents associated with all open and closed cases, other than those filed under seal.

In the advent of the storms, the judiciary opened its doors to provide assistance to other branches and agencies of government, FEMA and the public. In both districts, the courts made their jury assembly and conference rooms available for the processing of Disaster Snap Assistance program to the public, as well as Disaster Legal Services training sponsored by the Virgin Islands Bar Association. In the District of St. Croix, the Superior Court hosted several Legislative committee hearings, and Virgin Islands Police Department (VIPD) training sessions. In the St. Thomas/St. John District the Superior Court facilitated meetings for the Bureau of Corrections, the Department of Human Services and hosted training sessions for VIPD as well.

The judiciary also continued its student mentorship program to mentor and develop the future leaders of the territory through its partnership with the various territorial public high schools as well as the University of the Virgin Islands. During fiscal year 2018, This year the opportunity was extended to five high school students in the St. Thomas/St. John District and four students in the St. Croix District. We were pleased to have Aaliyah Babrow, Brianna Bailey, Juane Griffin, Sheeniqua Venzen, and Kozani Alexander from the Charlotte Amalie High School. On St. Croix, we welcomed Akyem Prince, Lileth Grouby, Katherine Cruz, and Jahmilia Weeks from St. Croix Educational Complex. From the University of the Virgin Islands, we welcomed Kerdersah Boland, Tahira Bellot, Adia Benjamin, Racquel Dover, Merian Guerrero, Samuel Joseph, Ebony Emmanuel, and Khadeem DeSilvia. Divisions that experienced staffing shortages such as the Office of the Virgin Islands Marshal, IT, Probation, and Superior Court's Clerk's Office benefitted from such placements. During the summer, we also continued to partner with various Senatorial Offices and the VI Department of labor to host an additional 7 interns. Despite the impact of the storms, the judiciary hosted a total of 24 students from 2 high schools and the University of the Virgin Islands.





THE SUPERIOR COURT RISING STARS YOUTH STEEL ORCHESTRA

Organized in the summer of 1981, utilizing the vision of the Presiding Judge Emeritus Verne A. Hodge, the Superior Court Rising Stars Youth Steel Orchestra was specifically implemented to serve as a deterrent to school dropout and juvenile delinquency. In June of 2006, then Presiding Judge Maria M. Cabret successfully expanded the program to the District of St. Croix. Today, the Superior Court Rising Stars Youth Steel Orchestra continues to serve the youth of our community in both districts with the support of the Judiciary, the Executive and Legislative Branches of the Government of the Virgin Islands and the entire Virgin Islands community.

In the combined almost 50 years that the Orchestra has been in existence in both districts, it has served more than three thousand (3000) students territory-wide, students who have gone on to make significant contributions to their communities - locally, nationally and internationally - in various capacities, professional careers and the military.

The Rising Stars Program continues to evolve and functions with a year-round operation that has three (3) main seasons: ***Recruitment/Summer Season, Christmas Season and the Carnival Season.*** The Program continues to be a "home away from home" for many students, between the ages of eight (8) and eighteen (18).

Following a very successful Summer Recruitment Program during the summer of 2017, the Orchestra in the District of St. Thomas/St. John began preparation for its Annual Christmas Concert scheduled to be held on Sunday, December 10th at the Reichhold Center. The ensuing hurricanes significantly impacted the activities of the Orchestras in both districts as St. Croix's panyard was rendered inoperable - so much so that they were unable to rehearse or participate in the Festival activities in December/January.

The St. Thomas-St. John District panyards were also severely impacted; however, they were able to make a few repairs that allowed them to utilize the

facility on a limited basis. The St. Croix program was completely displaced in the advent of the storms with severe damage to the Hannah's Rest building, so much so that the program was unable to participate in the Crucian Christmas festival activities. All planned events for the Orchestras were postponed as the Territory prepared to recover and rebuild. The effects of the storms added additional hardships as it pertained to the program and their ability to get back to some sort of normalcy.

The storms significantly impacted operations and resulted in the suspension of the Tutorial and Enrichment Program in both districts for the academic year. This was especially so because schools were on double session and it would have been extremely challenging for the students and the tutors to participate in tutorial sessions amid curfews, lack of transportation, damaged homes, the lack of electrical power and an uninhabitable panyard on St. Croix.

As was the case following Hurricanes Hugo in 1989 and Marilyn in 1995, a number of students relocated following Hurricanes Irma and Maria. The impact on membership on St. Croix, was quite significant. Consequently, seventeen (17) members relocated, of the twenty (20) children accepted as new members after the 2017 Summer Camp, only three actually accepted membership. Prior to the storm, St. Croix anticipated a total membership of seventy-eight (78) students. The prevailing impact, and lack of a facility, contributed to the loss of additional members and our current membership is at an all-time low of twenty-seven (27) participants.

Due to the devastation caused by Irma, the annual concert was not held at the Reichhold Center for the Performing Arts. Instead, it was decided that the Orchestra would hold a free concert in the same location where the program held its first Christmas Concert - in the Emancipation Garden, a much-needed reprieve for a community still struggling with recovery.





JUDICIAL OUTLOOK

Looking ahead, the Virgin Islands Judiciary shall continue down the long road to full recovery. Major projects to include significant repairs to the Alexander A. Farrelly Justice Center roof and courtroom interiors, and a complete roof replacement and building enclosure for the R.H. Amphlett Leader Justice Complex are high on the list of priorities. Along with ongoing projects which include the launch of the Judicial Branch Web Portal and the long-awaited Case Management System and electronic filing for the Superior Court of the Virgin Islands, the following are areas planned for action in the upcoming fiscal year:

Continuity of Operations Planning for Courts. In August of 2018, at the annual joint Conference of Chief Justices and State Court Administrators, Chief Justice Hodge participated as a panelist for an education session entitled “Dustin Off Your COOP plan: Improving Practices and Communications.” The purpose of the session was to highlight new practices and procedures to include in COOP plans and the importance of identifying a primary spokesperson for communicating the status of court operations during a time of disaster. In addition to the panel exchange, there was a roundtable discussion period where members shared their lessons learned. The panel was comprised of members from Texas, Florida, Puerto Rico and the Virgin Islands, -areas plagued by recent disasters. The success and importance of those discussions led to a State Justice Institute grant funded National Initiative on COOP Planning headed by the National Center for State Courts. In fiscal year 2018, the Virgin Islands Judiciary will take part in a focus group meeting as part of the first initiative to study what the affected courts in California, Florida, Hawaii, Puerto Rico, Texas, and North Carolina had in place in term of COOP and emergency management resources, and how their respective positioning and planning affected their ability to respond to the natural disasters they each faced. The second initiative will provide funding and/or technical assistance to states and territories to improve their COOP plans and ultimately their response and recovery in future disaster. The third initiative will focus on the creation of a tool box, a compilation of best practices and development of resources that be made available to all jurisdictions through the National Center for State Courts.

Contract Management. The Judiciary has contracted to expand services with the branch’s provider for document management to implement a Contract Administration solution to be managed by the Procurement Division. This solution will create an electronic repository of all contracts with contract retrieval, document scan/import, and individualized content folders organized by vendor in a virtual environment. The solution will include collaborative document drafting and review and document/contract routing through Workflow and WorkView components which will include access to vendor information, services provided, cost/spend analysis balance tracking, and contract milestone payments. The solution will also provide custom reports to be created to assist the Procurement Division with overall contract monitoring and auditing in an automated environment. The solution is scheduled to be implemented in September 2019.

Archiving and Records Retention. With the shift in priorities following the impact of hurricanes Irma and Maria, the adoption and implementation of an archiving and records retention policy was moved to fiscal year 2019. The Judicial Branch Administrative Office will establish a committee to examine best practices amongst states and territories, and local laws to facilitate the adoption and implementation of a records retention policy for the judiciary, not only for the preservation of records, but to address growing concerns over adequate storage, continuity of operations, access, and health on account of deteriorating air quality due to paper particulates, as well as mold and mildew in the advent of the storms. Challenges faced in drafting a viable policy contemplate either changes to current law which require the deposit of copies with the Territorial Archivist, a position/division, which has been vacant in recent years, and the allowance of modern technologies for digital storage of court records. Despite these challenges, the judiciary anticipates the adoption of a records retention and destruction policy by the close of the next fiscal year.

Library Services. It is understood that an integral facet of a 21st century Court system is public access to adequate legal resources, and in recent years the judicial branch has faced numerous challenges in this regard. At present, the local judiciary does not have functioning libraries. As noted earlier in this report, with the appointment of a 5th judge in the District of the St. Croix, and no funding to construct another facility, namely the Family Court Annex, the library at the R. H. Amphlett Leader Justice Complex has been converted to serve as the new Family Division courtroom. In the District of St. Thomas-St. John, it was anticipated that the library at the Alexander A. Farrelly Justice Center, which had been closed for a number of years, would have reopened in fiscal year 2018. However, the impact of the storms on the Court's infrastructure, namely damage to the roof, drainage and HVAC systems, further compromised air quality in that area of the court, such that those plans must be put on hold until further assessments and remediation can be conducted for public health reasons. Once extensive roof repairs are completed, the judiciary can renew its plans to provide library services and/or provide legal research tools for public use, to include the availability and use of research kiosks throughout its facilities. In the interim, while recovery efforts are ongoing, there are available libraries at the District Court of the Virgin Islands which are staffed with full time library technicians in each district that are paid by the judicial branch. Additionally, free public access to the V. I. Code through Lexis Nexis is also available on the Supreme Court's website at www.visupremecourt.org. In the face of many challenges and much adversity, the judiciary remains committed to restoring access to critical legal resources.





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